

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE M.S.K.JAI SWAL

WRIT PETITION No.30794 of 2017

12.09.2017

Between:

N.Surekha

..Petitioner

and

The State of Andhra Pradesh,
represented by its Principal Secretary,
Municipal Administration and Urban Development Department,
Velagapudi, Guntur and another

..Respondents

Counsel for the petitioner: Mr.R.Rajasekhara Rao

Counsel for the respondents: Government Pleader for Services (A.P.)

The Court made the following:



ORDER: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

Feeling aggrieved by order, dated 27.07.2017, in O.A.No.2210 of 2017 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad (for short 'the Act'), the applicant therein has filed this writ petition.

2. The grievance with which the petitioner filed the aforementioned O.A. before the Tribunal was that though a charge memo was issued as far back as 28.10.2014, even inquiry officer has not been appointed and that on the ground of pendency of disciplinary proceedings, the respondents are not considering the case of the petitioner for promotion to the post of Deputy Director of Town and Country Planning. The Tribunal has dismissed the aforementioned O.A. on the ground that the respondents cannot be hustled to consider the petitioner's case.

3. The learned Government Pleader for Services (A.P.) appearing for the respondents has submitted that the petitioner's case has not so far been rejected for promotion and that his case will be considered by the Departmental Promotion Committee (for short, 'D.P.C.') strictly in terms of G.O.Ms.No.257, General Administration (Ser.C) Department, dated 10.06.1999. The learned counsel for the petitioner has submitted that in the common enquiry initiated against the petitioner and others, two delinquents viz, Ch.Bhavani and A.Mahesh have already been promoted by the respondents. This being the factual position, we do not find any reason to deny promotion to the petitioner only on the ground of pendency of disciplinary proceedings.

4. In the light of the above submissions of both learned counsel, the order of the Tribunal is set aside. The respondents are directed to consider the case of the petitioner for promotion in the light of G.O.Ms.No.257, dated 10.06.1999, take an appropriate decision and communicate the same to the

petitioner immediately thereafter. If the petitioner feels aggrieved by the decision taken by the respondents, he shall be free to avail appropriate legal remedies.

5. The Writ Petition is, accordingly, disposed of.

6. As a sequel to disposal of the writ petition, W.P.M.P.No.38388 of 2017 filed by the petitioner for interim relief shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

M.S.K.JAI SWAL, J

12th September, 2017
GHN

