

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.6803 OF 2017

DATED : 08.03.2017

Between :

M.Ravinder S/o.Devayya,
Age 41 yrs, Occu : Tahsildar,
Mohanraopet Village,
Korutla Mandal,
Jagtiyal (Karimnagar) District.

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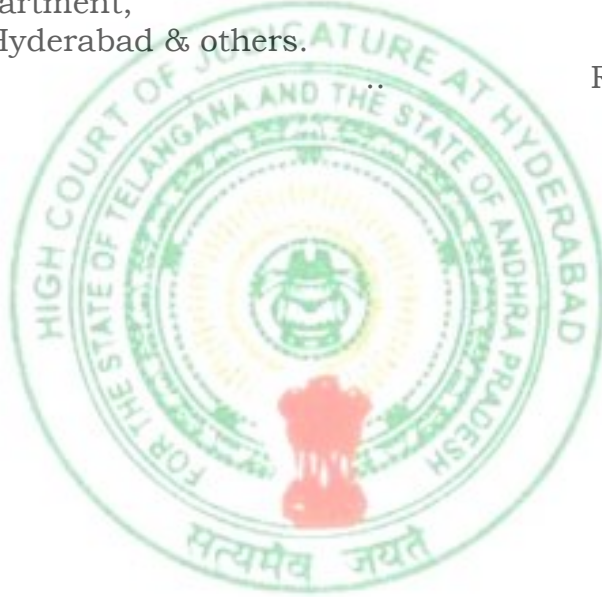
Petitioner

And

State of Telangana,
Rep., by its Secretary to Government,
Revenue Department,
Secretariat, Hyderabad & others.

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Respondents



This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO**WRIT PETITION No.6803 of 2017****ORDER :**

Heard.

2. Petitioner is presently working as Village Revenue Officer, and claiming promotion as Senior Assistant. According to the petitioner, juniors to him are now promoted by virtue of the proceedings dated 04.02.2017 impugned in the present writ petition, ignoring him.

3. Learned counsel for the petitioner contends that petitioner was ignored for promotion, while promoting his juniors only on the ground that disciplinary proceedings are pending. He submits that the disciplinary proceedings are dragged on for no fault of the petitioner and merely because disciplinary proceedings are initiated, the claim of the petitioner for promotion cannot be denied, more so, when petitioner is not responsible for the delay in concluding of disciplinary proceedings. In support of his contention learned counsel for the petitioner also placed reliance on the order of the Government in G.O.Ms.No.257 General Administration (SER.C) Department, dated 10.06.1999, whereunder the Government provides that if there is delay in conclusion of the disciplinary proceedings, the claim of the person for promotion can be considered without reference to the disciplinary proceedings, if he has a clear record of service and but for the pendency of disciplinary proceedings, he would have been considered for promotion.

4. Learned Government pleader, on instructions, submits that the enquiry officer is conducting the enquiry and he is taking active steps to complete the enquiry as expeditiously as possible and within a short time enquiry proceedings would be completed. He would submit that in view of the pendency of the disciplinary proceedings petitioner is not entitled to be considered for promotion.

5. It is not in dispute that disciplinary proceedings are pending on the allegation of unauthorized inclusions and deletions of the names in the pattedar column in the year 2011-12 pahani against 2010-11 pahani of Tandrial Village. According to the Government Policy as notified under G.O.Ms.No.257, an employee can be considered for promotion subject to fulfillment of the conditions mentioned therein. One of the requirements for such consideration is that after the earlier DPC, when an employee is ignored for promotion on the ground of pending disciplinary proceedings and if the disciplinary proceedings are not concluded within a period of two years, such employee can be considered for grant of adhoc promotion subject to fulfillment of the requirements of the G.O. In the instant case, no such promotions were made earlier to the impugned promotion. Thus, for the first time, petitioner has come up for consideration for promotion only in February, 2017. This fact is not disputed by the learned counsel for the petitioner. Thus, the provisions of G.O.Ms.No.257 are not attracted to the case on hand.

6. However, it appears there is delay in concluding the disciplinary proceedings, not attributable to the petitioner. In the

facts of this case, to balance the competing claims, I deem it proper to direct the respondents to complete the entire disciplinary proceedings, as expeditiously as possible, preferably within a period of two (2) months from the date of receipt of copy of this order and after conclusion of the disciplinary proceedings, based on the disciplinary action, if the petitioner is otherwise eligible for consideration for promotion, he may be considered.

7. With the above observations, the writ petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

08th March, 2017
Rds



P.NAVEEN RAO,J