

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.30152 OF 2017

ORDER

As per the averments made in the affidavit filed in support of the writ petition, the petitioner was appointed as Civil Assistant surgeon on 21.04.1999. While so, the 2nd respondent – Director of Public Health and Family Welfare issued charge memo to the petitioner in Rc.No.11117/VC.A/2016 dated 4.5.2016 alleging violation of Rule 3 of APCS (Conduct) Rules, 1964 and he was placed under suspension. Thereafter, an inquiry was conducted and the Inquiry Officer submitted report dated 25.10.2015 holding the charge as not proved. Vide G.O.Rt.No.114 HM &FW (VC.1) Dept. dated 6.2.2017, the suspension of the petitioner was revoked and by proceedings dated 10.02.2017, he was posted as Medical Officer / Civil Assistant surgeon, UFWC MGM Hospital, Warangal (Urban). The petitioner made representation dated 24.2.2017 seeking to drop charges framed against him and to regularize the period of suspension from 21.4.2016 to 12.2.2017. The 2nd respondent vide letter in Rc.No.11117/VC.A/2016 dated 22.05.2017 forwarded the representation of the petitioner to the 1st respondent for taking further action.

The case of the petitioner is that the counseling was scheduled on 7.09.2017 for effecting promotions from the post of Civil Assistant Surgeon to the post of Deputy Civil Surgeon and as no orders have been passed dropping the charge and regularizing the period of suspension, his name has not figured in the list of approved candidates and thus he is being denied promotion. Hence the writ petition.

The learned Senior Counsel Sri S.Satyam Reddy, appearing for the petitioner reiterating the above averments, submitted that as the charge against the petitioner has not been proved, sought for a direction to consider the case of the petitioner for promotion to the next cadre.

The learned Assistant Government Pleader for Services would submit that meeting of the Departmental Promotion Committee was convened and promotions have already been effected.

As per the letter addressed by the 2nd respondent to the 1st respondent dated 22.05.2017, it could be seen that the inquiry officer submitted report dated 25.10.2016 holding that the charge against the petitioner has not been proved and consequent to the same, the Government issued proceedings dated 6.2.2017 revoking suspension and he has been reinstated and presently working as Civil Assistant Surgeon. When once the Inquiry Officer submitted report holding that the charge has not been proved, it is for the disciplinary authority to take immediate action in accordance with law for concluding disciplinary proceedings. Though the 2nd respondent vide letter dated 22.05.2017, sought the 1st respondent to take further action in accordance with law, no action has been taken and the grievance of the petitioner is that he has been denied promotion to the next cadre.

Having regard to the above facts and circumstances, the disciplinary authority is directed to take appropriate action in accordance with law within a period of two weeks from the date of receipt of a copy of this order and based on the said decision, the case of the petitioner, shall be considered for promotion in the existing vacancies, in accordance with rules

With the above direction, the writ petition is disposed of. No costs.

Miscellaneous petitions pending if any, shall stand closed.

A.RAJASHEKER REDDY,J

DATE:11—09—2017

AVS

Note:

Issue C.C. in two days.

B/O

