

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

[Special Original Jurisdiction]

FRIDAY THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND SEVENTEEN

PRESENT

HONOURABLE SRI JUSTICE SURESH KUMAR KAIT
AND
HONOURABLE DR. JUSTICE SHAMEEM AKTHER

WRIT PETITION NO. 19626 OF 2017

Between:

B. Narasimhulu

...

Petitioner

V/s.

The Engineer-in-Chief [PH]
Govt. of A.P. Garuda Apartments
Tadepally, Guntur district & Ors.

Respondents

Counsel for the Petitioner :

Sri P. Vinod Kumar

Counsel for the Respondents:

GP for Services [AP]

The court made the following:

[order follows]

**HONOURABLE SRI JUSTICE SURESH KUMAR KAIT
AND
HONOURABLE DR. JUSTICE SHAMEEM AKTHER**

WRIT PETITION NO. 19626 OF 2017

O R D E R : [ORAL]

[Per the Hon'ble Sri Justice Suresh Kumar Kait]

This writ petition is filed by the petitioner under Article 226 of the Constitution of India seeking to assail the order dated 01/06/2017 passed by the AP Administrative Tribunal, Hyderabad, whereby the OA filed by the petitioner has been dismissed.

2. It is not in dispute that ACB case is pending against the petitioner in the Special Court for SPE and ACB Cases, Kurnool for the offence punishable under section 13 [1] [e]/ 13 [2] of the Prevention of Corruption Act, 1988. Therefore, when charge sheet is pending before the Special Court for SPE and ACB Cases the petitioner cannot claim promotion as a matter of right.

3. In view of the above facts, we find no discrepancy in the order passed by the learned Tribunal and accordingly we confirm the same. Finding no merit in the writ petition, the petition is accordingly dismissed at the admission stage.

4. We hereby make it clear that liberty granted by the learned Tribunal to renew the request of the petitioner for promotion on par with the third respondent in case, the pending ACB case ends in his favour, is maintained.

5. The writ petition is accordingly dismissed. No costs.

6. As a sequel, miscellaneous petitions if any pending in this writ petition shall stand closed.

JUSTICE SURESH KUMAR KAIT.

DR. JUSTICE SHAMEEM AKTHER,

**HONOURABLE SRI JUSTICE SURESH KUMAR KAIT
AND
HONOURABLE DR. JUSTICE SHAMEEM AKTHER**



WRIT PETITION NO. 19626 OF 2017
[Per the Hon'ble Sri Justice Suresh Kumar Kait]

Date: 16/06/2017
Circulation No. 135
Court Master: I s L