

THE HON'BLE SRI JUSTICE SANJAY KUMAR  
AND  
THE HON'BLE SRI JUSTICE N. BALAYOGI

WRIT PETITION No.10052 of 2017

ORDER: (Per Justice Sanjay Kumar)

The petitioner is the applicant in O.A.No.585 of 2017 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad. By way of the said O.A., he sought to challenge G.O.Rt.No.259 dated 21.04.2015, G.O.Rt.No.276 dated 24.04.2015 and G.O.Rt.No.692 dated 13.10.2015, whereby disciplinary proceedings were initiated against him. He also asked for a consequential declaration that he was entitled for promotion to the post of Special Grade Municipal Commissioner as per his seniority with all consequential benefits. By order dated 08.03.2017, the Tribunal dismissed the O.A.

Perusal of the said order reflects that though the Tribunal was of the opinion that pendency of a charge memo was not a ground for non-consideration of the candidature of an employee for promotion, it also observed that when a charge memo was pending against an employee, his case could not be considered without reference thereto. The Tribunal further stated that it is for the departmental promotion committee in the first instance to take a decision in this regard. Concluding that it could not stand in the shoes of the departmental promotion committee, the Tribunal dismissed the O.A.

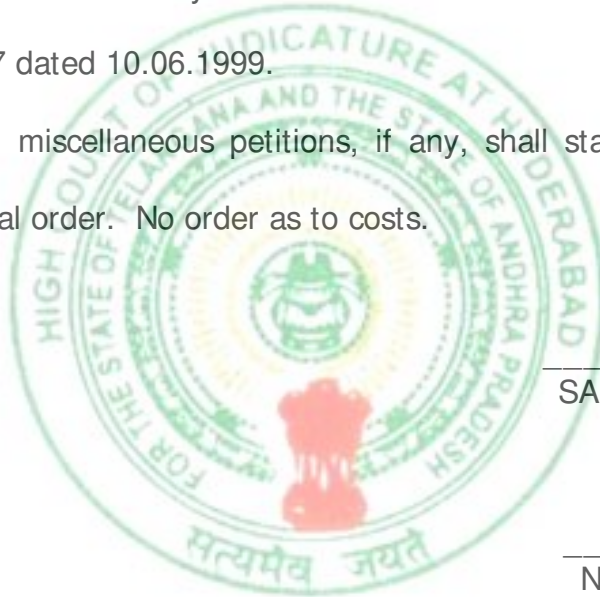
Sri M. Surender Rao, learned senior counsel representing Sri A. Surya Rao, learned counsel for the petitioner, would contend that in the State of Andhra Pradesh, while undertaking promotions, consideration of the candidature of employees who were facing disciplinary proceedings is governed by the provisions of G.O.Ms.No.257, General Administration

(Ser-C) Department, dated 10.06.1999. Learned senior counsel would further state that unless specifically directed to act in accordance with the aforestated G.O., the departmental promotion committee may be influenced by the dismissal of the O.A. and pass over the candidature of the petitioner without considering it in accordance with the said G.O.

We find merit in this submission.

The writ petition is accordingly disposed of confirming the order passed by the Tribunal in O.A.No.585 of 2017 but making it clear that the candidature of the petitioner shall be considered by the departmental promotion committee strictly in accordance with the norms laid down in G.O.Ms.No.257 dated 10.06.1999.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.



SANJAY KUMAR, J

N. BALAYOGI, J

21<sup>st</sup> March, 2017.  
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