

HON' BLE SRI JUSTICE SURESH KUMAR KAIT
&
HON' BLE SRI JUSTICE U. DURGA PRASAD RAO

W.P. No. 21618 of 2017

ORDER:- (ORAL)

(Per Hon' ble Sri Justice Suresh Kumar Kait)

This writ petition is filed challenging the order dated 21.04.2017 in O.A.No. 645 of 2014 passed by the Tribunal, whereby the O.A. filed by the petitioner, is dismissed.

The petitioner is working as Superintendent in Government Children Home for Boys, Eluru, West Godavari District. He filed an application under Section 19 of the Administrative Tribunals Act, 1985 to declare the action of the 2nd respondent, in initiating disciplinary proceedings against him vide Charge Memo issue in Proces.No.EA1/ 2/ 2014, dated 07.01.2014, thereby denying him promotion to the post of Deputy Director of Correctional Services/ Chief Probation Superintendent, as arbitrary, illegal, erroneous and in violation of Articles 14 and 16 of the Constitution of India apart from being contrary to the provisions of Rule 6 of the A.P. State and Subordinate Services Rules, 1996, and further seeks a direction to declare that the petitioner is entitled to be promoted as Deputy Director of Correctional Services/ Chief Probation Superintendent with all consequential benefits without reference to the disciplinary proceedings.

It is averred in the writ affidavit that on 07.01.2014, the 2nd respondent issued Charge Memo framing one charge against the petitioner that he failed in discharging his duties and due to his negligence, six juveniles ran away from the Observation Home for Boys on 06.01.2013 at 06:30 p.m. and they were found at a later date.

On 21.06.2013, the 2nd respondent prepared a final seniority list of eligible candidates for promotion to the post of Deputy Director of Correctional Services/ Chief Probation Superintendent and the petitioner is shown at Serial Number 3, however his case has not been considered for promotion on the ground that charge is pending against him.

The learned counsel for the petitioner submits that the petitioner submitted his explanation to the charge memo, however till date, even an enquiry officer has not been appointed. He further submits that if the enquiry proceedings will go in the same pace, it will take substantial time to conclude and the petitioner will lose promotional avenues.

This Court, without going into the issue whether the petitioner was negligent in his duties or not due to which six juveniles ran away from the Observation Home, we hereby direct the respondents to conclude departmental proceedings within a period of four months from the date of receipt of a copy of this order.

It is made clear that if the petitioner is aggrieved by the action or inaction of the respondents, he is at liberty to challenge the same at the appropriate forum in accordance with law.

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

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

03.07.2017

bcj

SURESH KUMAR KAIT, J

U.DURGA PRASAD RAO, J

