

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

W.P.No. 29235 OF 2017

DATED 30TH AUGUST, 2017

Between:

Nagella Naveen ... Petitioner

AND

Prohibition & Excise Superintendent,
Guntur, Guntur District, and others ... Respondents

Counsel for the petitioner : Sri P.V.Krishnaiah

Counsel for the respondents : G.P. for Services (A.P.)

THE COURT MADE THE FOLLOWING

ORDER: (*per Hon'ble Sri Justice C.V.Nagarjuna Reddy*)

Feeling aggrieved by order dated 18-08-2017 in O.A.No. 2406 of 2017 on the file of the Andhra Pradesh Administrative Tribunal at Hyderabad (for short, 'the Tribunal'), the unsuccessful applicant therein filed this Writ Petition.

2. The petitioner is working as Prohibition & Excise Constable in Prathipadu Prohibition & Excise Station, Guntur District. The Sub Inspector of Police, Piduguralla Police Station, registered a criminal case against the petitioner basing on the complaint given by his wife for the offences under Sections 498-A of the Indian Penal Code and 3 & 4 of Dowry Prohibition Act. The case is registered as C.C.No. 50 of 2017 on the file of the learned Junior Civil Judge, Piduguralla. The grievance of the petitioner with which he has filed the aforementioned O.A. was that he is not being considered for promotion to the post of Prohibition & Excise Head Constable on the ground of pendency of criminal case. By the impugned order, the Tribunal dismissed the O.A.

3. Learned Government Pleader for Services (A.P.) has submitted that the petitioner's case has not so far been rejected for promotion and that his case will be considered by the Departmental Promotion Committee strictly in terms of G.O.Ms.No. 257, General Administration (Ser.C) Department, dated 10-06-1999.

4. In the light of the above submission of learned Government Pleader for Services (A.P.), the order of the Tribunal is set aside. The respondents are directed to consider the case of the petitioner for promotion in the light of G.O.Ms.No. 257 dated 10-06-1999, take a decision and communicate the same to the petitioner immediately thereafter. If the petitioner feels aggrieved by the decision taken by the respondents, he shall be free to avail appropriate legal remedies.

5. The Writ Petition is accordingly disposed of.
6. As a sequel to disposal of the Writ Petition, W.P.M.P.No. 36375 of 2017 shall stand closed as infructuous.

C.V.NAGARJUNA REDDY, J.

GUDISEVA SHYAM PRASAD, J.

Date: 30-08-2017.

JSK

