

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
HON'BLE SRI JUSTICE G.SHYAM PRASAD

WRIT PETITION No.26008 of 2017

Date:04.8.2017

Between:

P.V.Sesha Sai,
S/o Late P.C.Venkata Ramana

..... Petitioner

And:

The State of A.P., repled by its
Principal Secretary, MA & UD
Department, Hyderabad and another.

.....Respondents

Counsel for the petitioner: Mr. S.Gopal Rao

Counsel for the respondents: GP for Services-I (AP)

The Court made the following:

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

This is yet another case of an employee being overlooked for promotion, on the ground of pendency of disciplinary proceedings and the Andhra Pradesh Administrative Tribunal at Hyderabad (for short 'the Tribunal') ignoring the well-reasoned orders of this Court.

The petitioner who was working as Deputy Executive Engineer in Kurnool Municipal Corporation was subjected to disciplinary proceedings, in which, a charge memo was served on him as far back as the year 2011. It is his pleaded case that so far, no enquiry officer has been appointed, let alone, commencement of enquiry. This plea is not denied by the learned Government Pleader for Services-I (Andhra Pradesh) appearing for the respondents.

In a series of orders, this Court has pointed out that it is not fair on the part of the Government to ignore the claims of eligible employees for promotion merely on the ground of

pendency of disciplinary proceedings, while keeping the said proceedings pending for unduly long periods.

One of the leading orders in this regard on this aspect is dated 18.3.2016, in Writ Petition No.8690 of 2016 (*K.Hari Das Vs. State of Andhra Pradesh*). This order is being followed consistently by various Benches of this Court. In spite of these orders, the Tribunal has dismissed the said O.A. filed by the petitioner for consideration of his claim for promotion.

Mr. S.Gopal Rao, the learned counsel for the petitioner, submitted that according to his information, the Departmental Promotion Committee, which was already constituted, has deferred the petitioner's case on the ground of pendency of the disciplinary proceedings against him.

For the afore-mentioned reasons, the Writ Petition is allowed and the impugned order of the Tribunal is set aside. The respondents are directed to forthwith consider the case of the petitioner for promotion to the post of Executive Engineer notwithstanding the pendency of the disciplinary proceedings.

As a sequel to disposal of the Writ Petition,
WPMP.No.32250 of 2017 filed by the petitioner for interim
relief is disposed of as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

JUSTICE G.SHYAM PRASAD

04th August 2017

DR

