

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No. 29652 OF 2017

ORDER :

This writ petition is filed seeking writ of mandamus declaring the action of the respondents in not considering the claim of the petitioner for promotion to the post of Assistant Conservator of Forest on the ground of pendency of disciplinary proceedings in which the Enquiry Officer has already submitted as illegal and arbitrary.

It is the case of the petitioner that he has been working as Forest Range Officer since May, 2007. While so, he was issued Memo No.14/LSD/BPP/HMDA/2016, dated 22.08.2016 directing him to submit the original/correct vouchers duly scrutinized by Assistant Director in respect of Rs.5,69,000/- pertaining to the work of laying of pipe line on Necklace Road, Cycle Track during 2015-16. In response to the same, he submitted letter dated 30.08.2016 stating that he had handed original bills for Rs.5,69,682/- pertaining to the subject work to the Landscape Manager, BPP, with a request to incorporate the same in the cash accounts of Landscape Manager, BPP and the matter was kept pending. Thereafter, the petitioner was again issued a charge memo on 18.05.2017 on the self same ground and in response thereto, he had already submitted explanation

to the charge memo and that an Enquiry Officer was also appointed. But basing on the Charge Memo dated 18.05.2017, petitioner is being denied promotion. Aggrieved by the same, present writ petition is filed.

Heard learned counsel for the petitioner and learned Assistant Government Pleader for Services-I.

Learned counsel for the petitioner submits that the petitioner was exonerated by the Enquiry Officer and said submission is not disputed by the learned Assistant Government Pleader for Services-I.

Since the petitioner asserted in the affidavit that he was asked to produce the original 39 bills pertaining to the work of laying of pipe lines at Necklace Road cycle Track, which he produced the same and the Enquiry Officer also held in his favour, without passing any order concluding disciplinary proceedings, the same cannot be a ground to deny the promotion to the petitioner.

In view of the above facts and circumstances, Disciplinary Authority is directed to pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order. Since it is stated that enquiry officer submitted report, the respondents are directed to consider the case of the petitioner for promotion as per Rules.

With the above direction, this writ petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand dismissed.

11-09-2017
kvs

A.RAJASHEKER REDDY, J



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