

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

**AND**

**THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD**

**WRIT PETITION No. 30417 OF 2017**

**DATED 08<sup>TH</sup> SEPTEMBER, 2017**

Between:

K.Tulasi Ram

... Petitioner

AND

The State of Andhra Pradesh,  
Rep. by its Principal Secretary,  
MA & UD Department, Secretariat Buildings,  
Velagapudi, Guntur District, and another

... Respondents

Counsel for the petitioner

:

Sri R.Rajasekhara Rao

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 28-08-2017 in O.A.No. 2481 of 2017 on the file of the Andhra Pradesh Administrative Tribunal at Hyderabad (for short, 'the Tribunal'), the applicant therein has filed this Writ Petition.

2. The grievance with which the petitioner filed the aforementioned O.A. before the Tribunal was that though a charge memo was issued as far back as 17-03-2016, even inquiry officer has not been appointed and that on the ground of pendency of disciplinary proceedings, the respondents are not considering the case of the petitioner for promotion to the post of Assistant City Planner. The Tribunal dismissed the application on the ground that the respondents cannot be hustled to consider the petitioner's case.

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 (for short, 'D.P.C.') strictly in terms of G.O.Ms.No. 257, General Administration (Ser.C) Department, dated 10-06-1999. Learned counsel for the petitioner has submitted that the inquiry is common against four employees including the petitioner and that one of the other three persons, namely; A.Vamsi, has already been promoted. This being the factual position, we do not find any reason to deny promotion to the petitioner only on the ground of pendency of disciplinary proceedings.

4. In the light of the above submissions of both learned counsel, 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 and 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. 37897 of 2017 shall stand closed as infructuous.

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**C.V.NAGARJUNA REDDY, J.**

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**GUDISEVA SHYAM PRASAD, J.**

Date: 08-09-2017.

JSK

