

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.11036 of 2017

DATED : 30.03.2017

Between :

T.N.Venkatesh S/o.(L) T.V.Narayana Swamy,
Aged about 38 yrs, working as Junior Assistant,
O/o.Zonal Office, East Zone,
Greater Hyderabad Municipal Corporation,
Gaddiannaram, Hyderabad.

..
Petitioner

And

The State of Telangana,
Rep., by its Secretary,
Municipal Administration and Urban Development Department,
Secretariat Buildings, Secretariat,
Hyderabad-500 022 & others.

...
Respondents



This court made the following :

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ORDER :

Heard.

2. Petitioner working as Junior Assistant claims promotion as Senior Assistant. According to the petitioner he is senior most and eligible for promotion. However, petitioner is not granted promotion on the ground that crime is registered against him by the ACB authorities on the allegation that petitioner is involved in anti corruption activity.

3. During the course of arguments, learned counsel for the petitioner fairly submits that charge sheet is already filed.

4. Since a criminal case is pending against the petitioner, prayer to grant promotion cannot be granted.

5. It is settled principle of law that a person who is facing criminal proceedings cannot be granted promotion. The least that is expected from public authority is to deny elevation of status to a person who is facing criminal case, more so, on the allegation of involvement in corruption charges. The order of the Government in G.O.Ms.No.257 dated 10.06.1999 prescribes that a person is not entitled to be considered for promotion during pendency of the criminal case. There cannot be any exception even when a promotion is to be made based on seniority and merely because a person is senior, he cannot automatically be granted promotion, but it is subject to his suitability and fitness. Normally a person, who is facing criminal case, cannot be held as fit to be promoted.

Thus, there is no merit in the contentions urged in this writ petition and the writ petition is liable to be dismissed.

5. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

30th March, 2017
Rds

P.NAVEEN RAO,J

