

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

AND

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

W.P.No. 28015 OF 2017

DATED 22ND AUGUST, 2017

Between:

C.Radha Krishna

... Petitioner

AND

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

... Respondents

Counsel for the petitioner

:

Sri R.Rajasekhara Rao

Counsel for the respondents

:

G.P. for Services – I (A.P.)



THIS COURT MADE THE FOLLOWING

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

This Writ Petition is filed feeling aggrieved by order dated 29-06-2017 in O.A.No. 1710 of 2017 on the file of the Andhra Pradesh Administrative Tribunal at Hyderabad (for short, 'the Tribunal'), whereby it has dismissed the said O.A. filed by the petitioner.

2. The grievance of the petitioner in this case in short is that his claim for promotion to the post of Executive Engineer is not being considered only because of the reason that disciplinary proceedings are pending against him. Learned counsel for the petitioner argued that one R.Rajasekhar, Assistant Engineer – a co-delinquent, who is also facing disciplinary proceedings along with the petitioner, was promoted as Deputy Executive Engineer based on an order passed by this Court and that the Tribunal declined to consider the said aspect and dismissed the O.A. Learned Government Pleader for Services (A.P.) has admitted that based on an order passed by this Court, the said R.Rajasekhar, Assistant Engineer of Hindupur Municipality, who was also a co-delinquent in the common disciplinary proceedings which the petitioner is also facing, was promoted as Deputy Executive Engineer. This being the admitted position, we do not find any reason to deny promotion to the petitioner, working as Deputy Executive Engineer, as Executive Engineer only on the ground of pendency of disciplinary proceedings.

3. In this view of the matter, the order of the Tribunal is set aside. The respondents are directed to consider the case of the petitioner for promotion to the post of Executive Engineer by making it clear that the promotion, if any, of the petitioner shall be subject to the outcome of the disciplinary proceedings.

4. The Writ Petition is accordingly allowed.

5. As a sequel to disposal of the Writ Petition, W.P.M.P.No. 34817 of 2017 shall stand closed as infructuous.

C.V.NAGARJUNA REDDY, J.

M.S.K.JAISWAL, J.

Date: 22-08-2017
JSK

