

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.35747 of 2017

ORDER:

Heard the learned Counsel for the petitioner and the learned Government Pleader for the respondents.

Since the Writ Petition can be disposed of without inviting a counter affidavit on the basis of the averments made in the Writ Petition, this Court is inclined to dispose of the Writ Petition at the admission stage.

The petitioner states that he is working as Inspector of Police (Traffic) in the city of Hyderabad and he belongs to 1996 batch of Sub Inspector of Police, Hyderabad Range. He was promoted as Inspector of Police after considering his seniority. Now he is fit for consideration of his case for promotion as Deputy Superintendent of Police. The State wide integrated seniority list was also drawn in respect of the composite State of Andhra Pradesh on 22.02.2014. After bifurcation of the State, an exercise is being undertaken and it is the case of the petitioner that efforts are made to take up the case for consideration of eligible candidates for promotion as Deputy Superintendent of Police. He states that in view of the issuance of Memorandum of charge dated 23.05.2017, which was for imposing a minor penalty under Rule 22 of the Telangana Civil Services (Classification, Control and Appeal) Rules, 1991, his case is not being considered. The charge related to an entry

made in the diary of gangster Nayeemuddin and his wife Smt.Haseena Begum. The petitioner states that he never maintained any relations with the said Nayeemuddin for pecuniary gains. He further states that after receipt of the Memorandum, he submitted his explanation on 26.06.2017 and even after lapse of four months, the disciplinary proceedings initiated against him were not concluded. In those circumstances, the petitioner filed the present Writ Petition challenging the initiation of disciplinary proceedings pursuant to the Memorandum dated 23.05.2017 and consequently for a direction to consider his case for promotion as Deputy Superintendent of Police.

Since the above facts are clear to the extent of initiation of disciplinary proceedings and the apprehension of the petitioner for non-consideration of his case on the ground of pendency of disciplinary proceedings, this Court is inclined to dispose of the present Writ Petition by directing the third respondent to conclude the disciplinary proceedings initiated against the petitioner as expeditiously as possible, but not later than three months from the date of receipt of a copy of this order, and if the Rules permit, the case of the petitioner can be considered for promotion to the post of Deputy Superintendent of Police, despite the pendency of the said disciplinary proceedings. At this stage, learned Counsel for the petitioner drew the attention of this Court to the decision of this Court in **Government of**

Andhra Pradesh v. A.Rajeswara Reddy¹ and the third respondent is directed to take the same into account and apply the same in the case of the petitioner, if it is applicable. But the present order shall not be construed as an order directing the respondents to promote the petitioner ignoring the rules.

The Writ Petition is, accordingly, disposed of. The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

30.10.2017
vs



(A.RAMALINGESWARA RAO, J)

¹ 2010 (3) ALD 501 (DB)