

*THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE N.BALAYOGI*

WRIT PETITION No.36726 of 2016

ORDER: (per SK,J)

The petitioner is the applicant in O.A.No.3653 of 2016 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad. Therein, he assailed the action of the authorities in not concluding the disciplinary proceedings initiated against him under G.O.Rt.No.642, Municipal Administration Urban Development (Vig.II) Department, dated 11.07.2014 and sought a consequential direction to the authorities to consider and promote him as a Senior Assistant in Zone II. By order dated 14.09.2016, the Tribunal dismissed the O.A. Aggrieved thereby, he filed the present writ petition.

The Deputy Secretary to Government, Municipal Administration and Urban Development Department, Government of Andhra Pradesh, filed a counter-affidavit stating that disciplinary proceedings were initiated against the petitioner under G.O.Rt.No.642 dated 11.07.2014 which are still pending. Thereafter, separate disciplinary proceedings were initiated against him under G.O.Rt.No.257, Municipal Administration & Urban Development (Vig.II-2) Department dated 21.04.2015. The Deputy Secretary however admitted that one of the charges framed under G.O.Rt.No.257 dated 21.04.2015 was the same as the charge framed under the proceedings dated 23.09.2010 of the Regional Director, Municipal Administration, Rajahmundry. On the basis of these pending disciplinary proceedings, the Deputy Secretary asserted that the petitioner's request for promotion may not be amenable to consideration at present.

Learned Government Pleader for Services (Andhra Pradesh) however conceded that in terms of the orders issued by the Government under G.O.Ms.No.257, GAD (Ser.C) Department, dated 10.06.1999, mere pendency of the disciplinary proceedings would not be a ground to completely exclude the Government servant facing disciplinary proceedings from the zone of consideration. She would further state that in terms of the aforesaid G.O., the case of the petitioner would be placed before the Departmental Promotion Committee as and when convened to undertake promotions to the post of Senior Assistants and his case would also be considered in terms of the said G.O.

In the light of this undertaking given by the Government, we are of the opinion that no further adjudication is warranted in this writ petition which is accordingly closed. The order passed by the Tribunal which is under challenge shall stand modified to the extent indicated above.

Pending miscellaneous petitions, if any, shall also stand closed. No order as to costs.

JUSTICE SANJAY KUMAR

JUSTICE N.BALAYOGI

Date:15.03.2017

GJ