

THE HONOURABLE SRI JUSTICE SURESH KUMAR KAIT
AND
THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.1497 of 2018

ORDER: (Per the Hon'ble Sri Justice Suresh Kumar Kait)

Vide the present petition, the petitioner has challenged the order dated 22.09.2017 passed in O.A.No.2529 of 2017 by the Andhra Pradesh Administrative Tribunal, Hyderabad. Vide said order, the Tribunal issued notice to the respondents in the O.A., declining to grant interim order as prayed for, by the petitioner.

2. Similar issue came up before this Court in W.P.No.8070 of 2017 and this Court passed interim order dated 10.04.2017 in W.P.M.P.Nos.9939 and 10564 of 2017. The relevant portion of the said order reads as under:

“Pendency of disciplinary proceedings would not be sufficient to completely exclude the petitioner from the zone of consideration for promotion to the higher post. As rightly pointed out by the learned Government Pleader, G.O.Ms.No.257, General Administration (Ser-C) Department, dated 10.06.1999, would govern the candidature of such persons and the departmental promotion committee convened to undertake promotions would have to consider the candidature of persons facing disciplinary proceedings in terms of the provisions thereof.

There shall accordingly be a direction to the authorities to consider the case of the petitioner for promotion to the post of Special Grade Municipal Commissioner in terms of G.O.Ms.No.257 dated 10.06.1999”.

3. Learned Government Pleader for Municipal Administration and Urban Development for respondents submitted that this writ petition

may be disposed of by issuing the aforesaid direction of the Division Bench of this Court in W.P.No.8070 of 2017.

4. In view of the aforesaid submission, we hereby direct the authorities concern to consider the case of petitioner for promotion to the post of Special Grade Municipal Commissioner in terms of G.O.Ms.No.257 dated 10.06.1999. Consequently, the proceedings in O.A.No.2529 of 2017 pending on the file of Andhra Pradesh Administrative Tribunal, Hyderabad, are closed.

5. With the above direction, the Writ Petition is disposed of. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.



SURESH KUMAR KAIT, J

ABHINAND KUMAR SHAVILI, J

22nd January, 2018

sj