

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.15519 of 2010

ORDER:

1. This writ petition is filed seeking to declare the action of the 1st respondent in not promoting the petitioner to the post of Accountant Grade I from the cadre of Accountant Grade-II while promoting his juniors in spite of the fact that the allegations made in the Departmental Enquiry and in Criminal Case were held to be contrary to the record, and only on the ground that a criminal case is pending in the Court of law, as illegal and arbitrary, and consequently, to direct the respondents to promote the petitioner to the post of Accountant Grade I on par with his juniors.

2. The learned Counsel for the petitioner submits that the case of the petitioner was deferred for promotion to the post of Accountant Grade I on the ground that a criminal case was pending against him, and the disciplinary proceedings were initiated against him. The learned Counsel for the petitioner further submits that the disciplinary proceedings ended in favour of the petitioner and that Crl.P.No.3177 of 2009 filed by the petitioner to quash the criminal proceedings against him was allowed on 6.10.2010 quashing the criminal proceedings against the petitioner. He further submits that the case of the petitioner was considered for promotion to the post of

Accountant Grade I on 10.7.2018 subsequent to exoneration in the disciplinary proceedings and quashing of criminal proceedings, and now, the grievance of the petitioner is that his case is not being considered on par with his juniors and fellow employees who were promoted as Accountant Grade I, on 8.6.2010 and therefore, this writ petition may be disposed of directing the respondents to dispose of the representation submitted by the petitioner on 25.9.2018.

3. The learned Standing Counsel for the respondents contends that the case of the petitioner was rightly deferred as the disciplinary proceedings and the criminal proceedings were pending during the year 2010, and only when the petitioner was given clean chit in the disciplinary proceedings and when the criminal proceedings against him were quashed by this Court, his case was considered for promotion and therefore, the question of considering the case of the petitioner for promotion to the post of Accountant Grade I on par with his juniors would not arise and that there are no merits in this writ petition, and this petition is liable to be dismissed.

4. This Court having considered the rival submissions made by both the Counsel is of the view that this writ petition can be disposed of directing the respondents to consider the representation submitted by the petitioner on 25.9.2018 and pass appropriate orders, in accordance with law.

5. Accordingly, the writ petition is disposed of directing the respondents to consider the representation submitted by the petitioner on 25.9.2018 and pass appropriate orders, in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. Consequently, miscellaneous petitions, if any pending in the writ petition shall stand closed. No order as to costs.

ABHINAND KUMAR SHAVILI, J

28th December, 2018
Nn



HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI



Writ Petition No.15519 of 2010
(disposed of)

28th December, 2018

Nn