

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

W.P.No.4220 of 2018

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

Vide the present petition, the petitioner has challenged the order dated 17.11.2017 passed in O.A.No.2994 of 2017 by the Andhra Pradesh Administrative Tribunal, Hyderabad, whereby the Tribunal held as under:

“There is no dispute that the applicant is entitled to be considered so far as his claim for promotion to the post of Senior Assistant is concerned with reference to the Proceedings CCTs., Ref.No.V2/278/2017-1, dated 14.09.2017 for the panel year 2016-17. The applicant is at liberty to question the promotion of any of his juniors ignoring his seniority and his claim that he is eligible for promotion to the post of Senior Assistant during the panel year 2016-17 as no charges are pending against him as on 01.09.2016. The applicant is at liberty to question promotion given to any of his juniors ignoring his claim after exhausting the alternative statutory remedy. This Tribunal finds that this Original Application is premature at this stage.

2. The petitioner, who was working as Junior Assistant in the office of the Commercial Tax Officer, Tirupathi, Chittoor District, filed aforesaid O.A., questioning the action of respondents in not considering his case for promotion to the post of Senior Assistant on the ground of pendency of disciplinary proceedings initiated vide proceedings dated 11.01.2017 of the third respondent and proceedings dated 14.09.2017 of the second respondent.

3. It is not in dispute that till date, the promotions are not effected. Therefore, in addition to the directions issued by the

Tribunal, we hereby direct the respondents to consider the case of petitioner for promotion in terms of G.O.Ms.No.257 dated 10.07.1999, which is agreed by the learned Government Pleader appearing on behalf of the respondents.

4. In view of 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

19th February, 2018

sj

