THE HON'BLE SRI JUSTICE SURESH KUMAR KAIT
&
THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.4811 of 2018

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

Vide the present writ petition, the petitioner has assailed the order, dated 31.01.2018, passed in O.A.No.140 of 2018, on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad (for short "the Tribunal"), whereby the learned Tribunal disposed of the application filed by the petitioner under Section 19 of the Administrative Tribunal Act, as under:

> "In the result, the Original Application is disposed of at the admission stage directing the 2nd respondent/Commissioner of Commercial Taxes now re-designated as Chief Commissioner of State Taxes, Vijayawada to send report to the Government in so far as the applicant's written statement of defence is concerned by way of reply to Government Memo dated 12.09.2017 within a period of six weeks from the date of receipt of copy of this order, and further, the 1st respondent/Special Chief Secretary Revenue (CT-I), Department, Government of Andhra Pradesh representing the State of Andhra Pradesh is directed to take decision on further course of action to be adopted in the disciplinary proceedings covered by G.O.Rt.No.933 after considering report of the 2nd respondent within a further period of six weeks from the date of receipt of report from the 2nd respondent."

The learned counsel appearing on behalf of the petitioner submits that pursuant to the proceedings, dated 30.08.2016, the petitioner filed his statement of defence on 25.01.2017 and thereafter made a representation on 15.07.2017. The grievance of the petitioner is that till date the aforesaid two communications sent by him have not been considered by the respondents.

The petitioner is working as Commercial Tax Officer, now designated as Assistant Commissioner of State Taxes at Rajamahendravaram. He is due to promotion to the category of Assistant Commissioner of Commercial Taxes for the panel year 2016-17. After the Screening Committee considered the matter and submitted report to the Government, the Government issued G.O.Ms.No.262 Revenue (CT-I) Department, dated 29.06.2017, deferring the petitioner's case for promotion until termination of disciplinary proceedings pending against him. The petitioner being aggrieved, filed O.A.No.140 of 2018 and the same was disposed of, as stated above.

Keeping in view of the facts and circumstances of the case, we are of the opinion that in addition to the directions passed by the learned Tribunal, we hereby direct the respondents to consider the statement of defence of the petitioner, filed on 25.01.2017 and the representation dated 15.07.2017, within a period of 2 (two) weeks from the date of receipt of a copy of this order.

Needless to state that as agreed by the learned counsel for the respondents that the case of the petitioner falls under G.O.Ms.No.257, dated 10.06.1999, accordingly, the respondents shall consider the case of the petitioner in terms of the said G.O.

The writ petition is accordingly disposed of. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed in consequence.

SURESH KUMAR KAIT,J

ABHINAND KUMAR SHAVILI,J

Date: 15.02.2018
Dsr