

HON' BLE SRI JUSTICE SURESH KUMAR KAIT
AND
HON' BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No. 7107 of 2018

ORDER:-

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

Vide the present petition, the petitioner has challenged the order dated 22.02.2018 in O.A.No. 321 of 2018 passed by the Andhra Pradesh Administrative Tribunal, Hyderabad, whereby the application filed by the petitioner under Section 19 of the Administrative Tribunals Act, 1985, has been dismissed.

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 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.

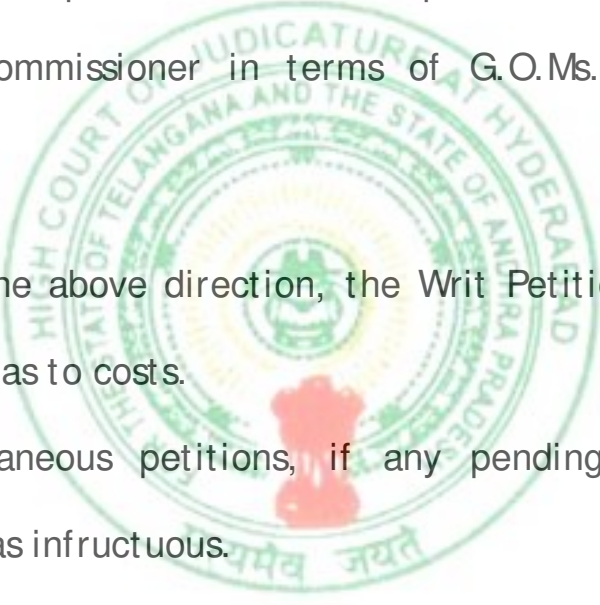
There shall accordingly be a direction to the authorities to consider the case of the petitioner for promotion to the post of Special Grade Municipal Commissioner in terms of G.O.Ms.No.257 dated 10.06.1999”.

The Learned Government Pleader for Municipal Administration and Urban Development for the respondents submits 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.

In view of the aforesaid submission, we hereby direct the authorities concerned 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.

With the above direction, the Writ Petition is disposed of. No order as to costs.

Miscellaneous petitions, if any pending, shall stand disposed of as infructuous.


SURESH KUMAR KAIT, J

ABHINAND KUMAR SHAVILI, J

05.03.2018

bcj