

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

W.P. No. 7688 of 2018

ORDER:- (ORAL)

(Per Hon'ble Sri Justice Suresh Kumar Kait)

This writ petition is filed challenging the order dated 18.01.2018 in O.A.No. 26 of 2018 passed by the A.P. Administrative Tribunal, Hyderabad, whereby the Tribunal, while dismissing the application filed by the petitioner under Section 19 of the Administrative Tribunals Act, 1985, recorded as under:

“It is not the applicant's case that any steps are being taken by the Government for giving promotions to the post of Deputy Inspector General of Registration and Stamps. In case such steps are being taken, this Tribunal cannot interfere in the promotion process in advance. It is for the applicant to question in case his case for promotion is not considered on any ground. The applicant's case for promotion on *ad hoc* basis also cannot be considered under G.O.Ms.No. 257 General Administration (Ser.C) Department dated 10.06.1999, because Para 6 of the said G.O comes in the way as the applicant is alleged to have indulged in corruption and bribery while working in Balaji Registration District. This Original Application does not deserve consideration by this Tribunal at this stage. It is open to the applicant to question in case he is denied promotion after he reached the zone of consideration.”

Paragraph No.2 of the guidelines issued by the Government, vide its order in G.O.Ms.No. 257, G.A.(Ser.C) Dept., dated 10.06.1999 enunciated in Rule 25 of the Andhra

Pradesh Civil Services (Classification, Control and Appeal)

Rules, 1991, reads as under:

“In the reference fourth read above, the Ministry of Personnel, Public Grievances and Pensions, Government of India have issued guidelines in regard to consideration of Government Servants against whom disciplinary or Court proceedings are pending or whose conduct is under investigation, for promotion to next higher categories. Keeping in view the said guidelines, orders have been issued in the G.O. fifth read above, for consideration of employees for ad-hoc promotion where the disciplinary case/ criminal prosecution against the Government employees is not concluded even after the expiry of two years from the date of the meeting of the first Departmental Promotion Committee, in which the employee was considered, in case the employee is not under suspension.”

The allegation leveled against the petitioner is that he is involved in corruption, collection of bribes against the officials working in the office of the District Registrar, Balji Registration District, Tirupathi and a Memo dated 23.07.2014 to that effect has been issued to the petitioner by the Government.

It is not in dispute that till date no disciplinary action or Court proceedings are pending against the petitioner, but his conduct is under investigation. Thus, we are of the considered view that the case of the petitioner squarely falls under Clause (2) of G.O.Ms.No. 257, dated 10.06.1999. Further, inasmuch as neither disciplinary proceedings nor Court proceedings are pending against the petitioner, he is being protected by virtue of the decision rendered by this

Court in the case of M.Vara Prasad v. Government of A.P.
vide order dated 20.07.2014 in W.P.No. 18774 of 2014.

For the foregoing reasons, we set aside the order dated
18.01.2018 in O.A.No. 26 of 2018 passed by the Tribunal
directing the respondents to consider the petitioner's case for
promotion to the post of Deputy Inspector General of
Registration and Stamps in terms of the G.O.Ms.No. 257,
dated 10.06.1999.

With the above observations, the writ petition is
allowed. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending,
shall stand disposed of as infructuous.

08.03.2018

SURESH KUMAR KAIT, J

bcj

ABHINAND KUMAR SHAVILI, J