

THE HON'BLE SRI JUSTICE SANJAY KUMAR  
AND  
THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION No.15466 OF 2018

ORDER: (per Hon'ble Sri Justice Sanjay Kumar)

The petitioner is the applicant in O.A.No.2532 of 2017 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad. His prayer therein reads as under:

“In view of the reasons mentioned in para VI above, it is prayed that this Hon'ble Tribunal may be pleased to declare the action of the 1<sup>st</sup> Respondent in initiation of disciplinary proceedings as well as in finalization of disciplinary proceedings vide Charge memo bearing G.O.Rt.No.183, Municipal Administration & Urban Development (E1) Department, dated 10-02-2012 as illegal, arbitrary, unconstitutional and void being contrary to the Government orders in G.O.Ms.No.679, dated 01-11-2008 and quash or set aside the same and consequently direct the Respondents to consider the case of the applicant for promotion as Deputy Executive Engineer with all consequential benefits and to pass such order or orders as deem fit and proper in the interest of justice.”

By way of interim relief, the petitioner/applicant sought a direction to the authorities to consider his case for promotion as a Deputy Executive Engineer without reference to the Charge Memo issued *vide* G.O.Rt.No.183 dated 10.02.2012 and to promote him to the said post.

By order dated 01.09.2017, the Tribunal, while admitting the O.A. and issuing notice to the respondents, directed that pending disposal of the O.A, the petitioner/applicant's case for promotion as a Deputy Executive Engineer (PH) should be considered with reference to all the circumstances, including the pending Charge Memo, as and when

promotions were taken up. Aggrieved thereby, the petitioner/applicant is before this Court.

It may be noted that the Government of Andhra Pradesh stipulated the procedure to be followed in all cases, including where Charge Memos are pending against the employees, while considering their cases for promotion, *vide* G.O.Ms.No.257, General Administration (Ser-C) Department, dated 10.06.1999. In the light of the comprehensive guidelines put in place by the Government of Andhra Pradesh, it is for the authorities concerned to apply the same while considering the case of the petitioner/applicant for promotion, if he is within the zone of consideration.

The writ petition is accordingly disposed of directing the respondents to consider the case of the petitioner/applicant for promotion to the post of Deputy Executive Engineer (PH), if he is within the zone of consideration, in accordance with the norms laid down in G.O.Ms.No.257 dated 10.06.1999, as and when such promotions are taken up. The order passed by the Tribunal shall stand modified to that extent.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

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SANJAY KUMAR,J

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M. GANGA RAO, J

Date: 27.04.2018  
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