

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

W.P. No. 8999 of 2017

ORDER:- (ORAL)

(Per Hon' ble Sri Justice Suresh Kumar Kait)

Feeling aggrieved by the order dated 30.12.2016 in O.A.No. 4449 of 2016 on the file of the Andhra Pradesh Administrative Tribunal at Hyderabad (for short "the Tribunal"), the applicant therein has filed this writ petition.

The grievance with which the petitioner filed the aforementioned O.A. before the Tribunal was that though a charge memo was issued as far back as 17.03.2016, even inquiry officer has not been appointed and that on the ground of pendency of disciplinary proceedings, the respondents are not considering the case of the petitioner for promotion to the post of Manager Grade-I. The Tribunal dismissed the application on the ground that the respondents cannot be hustled to consider the petitioner's case.

Learned Government Pleader for Municipal Administration and Urban Development (A.P.) has submitted that the petitioner's case has not so far been rejected for promotion and that his case will be considered by the Departmental Promotion Committee (for short, "D.P.C.") strictly in terms of G.O.Ms.No. 257, General Administration (Ser.C) Department, dated 10.06.1999. Learned counsel for

the petitioner has submitted that the inquiry is common against four employees including the petitioner and that one of the other three persons, namely A.Vamsi, has already been promoted. This being the factual position, we do not find any reason to deny promotion to the petitioner only on the ground of pendency of disciplinary proceedings.

In the light of the above submissions of both the learned counsel, the order of the Tribunal is set aside. The respondents are directed to consider the case of the petitioner for promotion in the light of G.O.Ms.No. 257, dated 10.06.1999 and take a decision and communicate the same to the petitioner immediately thereafter. If the petitioner feels aggrieved by the decision taken by the respondents, he shall be free to avail appropriate legal remedies.

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

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

08.08.2018

SURESH KUMAR KAIT, J

bcj

ABHINAND KUMAR SHAVILI, J