

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.744 OF 2016
AND
CONTEMPT CASE No.2404 OF 2016

COMMON ORDER:

The petitioner was initially appointed as Junior Lineman in the year 1992 and thereafter, he was promoted as Assistant Lineman in the year 1994. He was later on promoted as Lineman in the year 1999. Presently, he is working as Lineman in Section Office, Substation, Devarakonda. However, he was kept under suspension in view of registration of a case in Crime No.10/ACD-HR/2012 under Section 7 of the Prevention of Corruption Act, 1988. He obtained bail from the I Additional Special Judge for SPE and ACB Cases-cum-V Additional Chief Judge, City Civil Court, Hyderabad and later on, he was reinstated into service. After reinstatement, he submitted a representation seeking promotion on the ground that his name was figured at Serial No.2 of the Provisional Seniority List of O&M Staff of Lineman cadre as on 31.08.2015.

This Court while admitting the writ petition on 22.08.2016, directed the respondents to consider the case of the petitioner for promotion if he is otherwise eligible and it shall not be held up solely on the ground of pendency of criminal proceedings. Alleging non-compliance with the said order, C.C.No.2404 of 2016 is filed.

Now a counter affidavit is filed by the respondents 2 to 4 stating that G.O.Ms.No.257, dated 10.06.1999 was adopted by the erstwhile TS Transco and subsequently by the Discoms, and as per the said G.O., only the persons, against whom, minor charges are pending would be considered for promotion and if the charge is one of moral turpitude, misappropriation, embezzlement and grave dereliction of

duty, their cases cannot be considered. The petitioner was caught redhanded by the ACB while receiving bribe for providing agricultural connection. The charges framed against the petitioner are grave in nature.

G.O.Ms.No.257, General Administration Department, dated 10.06.1999 was issued providing guidelines while dealing with cases of employees facing disciplinary enquiries for promotion. As per the said guidelines, it is for the appointing authority to decide each case in accordance with the guidelines. It is also stated that if the charge is one of moral turpitude, misappropriation, embezzlement and grave dereliction of duty, then the appointing authority should consider that it would be against public interest to consider adhoc promotion to the charged officer. In the instant case, the appointing authority took a stand that the charges levelled against the petitioner are grave in nature and hence, as per the said G.O., the respondents did not think it fit to promote the petitioner. In such circumstances, this Court cannot grant any relief to the petitioner as sought for by the petitioner. However, this will not prevent the petitioner from submitting a representation as and when fresh cause of action arises.

The writ petition is accordingly dismissed. Consequently, miscellaneous petitions, if any pending, in the writ petition as well as the contempt case, shall stand closed.

In view of the dismissal of the writ petition, the contempt case is closed.

A.RAMALINGESWARA RAO, J

25.01.2018
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