

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

W.P. No. 21068 of 2018

ORDER:- (ORAL)

(Per Hon' ble Sri Justice Suresh Kumar Kait)

This writ petition is filed challenging the order dated 18.06.2018 in O.A.No. 1145 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.

The brief facts of the case are that one M. Aruna Kumari, who was senior to the petitioner, was facing enquiry in the cadre of Women Head Constable, as such, her case was not considered for promotion as Women Assistant Sub-Inspector of Police. Consequently, in the year 2016, the petitioner, being the next senior in the rank, was given promotion as Women Assistant Sub-Inspector of Police.

It is not in dispute that the petitioner is junior to M. Aruna Kumari. It is also not in dispute that the departmental enquiry against M.Aruna Kumari was concluded and she was found not guilty of the charges leveled against her. Therefore, M.Aruna Kumari became eligible for promotion to the post of Women Assistant Sub-Inspector of Police.

The fact remains that in the case of non-gazetted cadre, where a candidate is facing departmental enquiry such person's candidature will not be considered for promotion until such candidate is exonerated from the charges leveled against that candidate. In the case on hand, when the charges leveled against M.Aruna Kumari were not proved in the departmental enquiry, she became eligible for promotion. By the time M.Aruna Kumari's case came up for consideration for promotion after she was exonerated from the charges, there was no existing vacancy. Therefore, the petitioner was reverted to her substantive post after giving Show Cause Notice to her, as she happened to be the last candidate in the cadre of Women Assistant Sub-Inspector of Police. Moreover, the petitioner was promoted as Assistant Sub-Inspector of Police in C.I.D. on temporary basis when she was on deputation to C.I.D. as Head Constable.

In view of the facts recorded above, we find no ground to interfere with the impugned order passed by the Tribunal.

Hence, the writ petition is devoid of merit, and the same is accordingly, dismissed. No order as to costs.

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

25.06.2018

SURESH KUMAR KAIT, J

bcj

ABHINAND KUMAR SHAVILI, J