

**HON'BLE SRI JUSTICE SURESH KUMAR KAIT
AND
HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

WRIT APPEAL No.882 of 2018

ORDER: (Per Hon'ble Sri Justice Suresh Kumar Kait)

This Writ Appeal is filed challenging the order of learned Single Judge in W.P.No.19217 of 2018 dated 18.06.2018, whereby the petitioner's prayer to direct the respondents to grant promotion, without reference to pending disciplinary proceedings, was rejected.

Learned counsel for the appellant has brought to the notice of this Court G.O.Ms.No.257 dated 10.06.1999 which specifically reveals that the guidelines issued in G.O.Ms.No.74 dated 24.02.1994 have to be kept in view for consideration of employees on *adhoc* promotion where disciplinary case/criminal prosecution against the government employees is not concluded, even after expiry of two years from the date of issuance of charge memos.

A gap of two years is mentioned in G.O.Ms.No.74 dated 24.02.1994. However, the said G.O. has been cancelled as enumerated in paragraph No.4 of G.O.Ms.No.257 dated 10.06.1999. Therefore, it can safely be opined that, at present, gap of two years from the date of issuance of the charge memo is not in force. Therefore, we hereby set aside the order of learned Single Judge in W.P.No.19217 of 2018 dated 18.06.2018 and direct the respondents to consider the case of the petitioner for promotion in terms of G.O.Ms.No.257 dated 10.06.1999.

The Writ Appeal is, accordingly, allowed. Miscellaneous Petitions pending, if any, shall also stand disposed of. However, in the circumstances, without costs.

SURESH KUMAR KAIT, J

ABHINAND KUMAR SHAVILI, J

Dt:06.08.2018
usd

