

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

W.P. Nos. 22864 and 22910 of 2018

COMMON ORDER:- (ORAL)

(Per Hon'ble Sri Justice Suresh Kumar Kait)

Inasmuch as the question of fact and law and the parties in these two writ petitions are one and the same and these matters arise out of the common order, these writ petitions are taken up together for disposal by this Common Order.

While W.P.No. 22864 of 2018 is filed challenging the Common Order dated 18.06.2018 in O.A.No. 1142 of 2018, W.P.No. 22910 of 2018 is filed challenging the same order in O.A.No. 1141 of 2018 passed by the A.P. Administrative Tribunal, whereby the applications filed by the petitioner under Section 19 of the Administrative Tribunals Act, 1985, have been dismissed on the ground that G.O.Ms.No. 257 General Administration (Ser-C) Department, dated 10.06.1999 has no application since the charge memos are not more than two years old.

A perusal of the orders issued by the Government in G.O.Ms. No. 257, G.A. (Ser. C) Dept., dated 10.06.1999, specifically reveals that the guidelines issued in G.O.Ms.No.74, G.A.(Ser. C) Dept., dated 24.02.1994 have to be kept in view for consideration of employees for *adhoc* promotion where the disciplinary case/criminal prosecution

against the Government employees is not concluded, even after the 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 the gap of two years from the date of issuance of the charge memos is not in force, therefore, we hereby set aside the Common Order dated 18.06.2018 passed by the Tribunal in O.A.Nos.1141 and 1142 of 2018. Consequently, we direct the respondents to consider the case of the petitioner for promotion in terms of G.O.Ms.No. 257, dated 10.06.1999.

With the above observations, the writ petitions are disposed of. No order as to costs.

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

05.07.2018

SURESH KUMAR KAIT, J

bcj

ABHINAND KUMAR SHAVILI, J