

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

W.P. No. 23034 of 2018

ORDER:- (ORAL)

(Per Hon' ble Sri Justice Suresh Kumar Kait)

This writ petition is filed for the following substantive relief:

"..to issue a writ of Certiorari calling for the records relating to the Notice, dated 13.06.2018 made in O.A.No. 772 of 2018 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad, as illegal and contrary to the well-settled legal principles and violative of the fundamental rights guaranteed to the petitioner under Articles 14 and 21 of the Constitution of India and consequently allow the writ petition by directing the respondents to consider the petitioner's candidature for promotion to the post of Grade-I Municipal Commissioner without referring to the disciplinary proceedings initiated against the petitioner vide G.O.Pt.No. 644, Municipal Administration and Urban Development (Vig.II) Department, dated 11.07.2014 issued by the 1st respondent".

The learned counsel for the petitioner submits that when similar issue had come up for consideration in number of writ petitions, this Court directed the respondents to consider the case of the petitioners therein for promotion in terms of G.O.Ms.No. 257, General Administration (Ser-C) Department, dated 10.06.1999. The learned counsel placed before this Court a copy of interim order passed by this Court in W.P.M.P. Nos.9939 and 10564 of 2017 in W.P.No. 8070 of 2017, dated

10.04.2017 and order dated 31.07.2017 in W.P.No. 24646 of 2017.

It is not disputed by the learned Government Pleader for Services (A.P.) appearing on behalf of respondents, on advance notice, that the case of the petitioner is squarely covered under G.O.Ms.No. 257, dated 10.06.1999.

Accordingly, we hereby set aside the impugned Notice dated 13.06.2018 ordered by the Tribunal in O.A.No. 772 of 2018 and consequently 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 direction, the writ petition is disposed of. No order as to costs.

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

SURESH KUMAR KAIT, J

06.07.2018

ABHINAND KUMAR SHAVILI, J

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