

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

W.P. No. 22868 of 2018

ORDER:- (ORAL)

(Per Hon' ble Sri Justice Suresh Kumar Kait)

This writ petition is filed challenging the order dated 13.06.2018 in O.A.No. 79 of 2018 passed by the A.P. Administrative Tribunal, whereby the application filed by the petitioner under Section 19 of the Administrative Tribunals Act, 1985, has 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 *ad hoc* 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 order dated 13.06.2018 passed by the Tribunal in O.A.No.79 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 petition is 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

