

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

W.A. No. 955 of 2018

JUDGMENT:- (ORAL)

(Per Hon'ble Sri Justice Suresh Kumar Kait)

This writ appeal is preferred against the order dated 09.07.2018 in W.P.No. 22521 of 2018 passed by learned Single Judge of this Court.

The learned Single Judge, while dismissing the writ petition, made the following observations:

“In the case on hand, petitioner is accused in criminal case and the criminal case is pending. The charge is one of corruption. Thus, the prayer to direct the respondents to grant promotion without reference to pending criminal case cannot be granted. The charge leveled against the petitioner is, he indulged in illegal gratification and is accused in pending criminal case. Charge sheet is filed, and trial to be conducted. Though the petitioner contends that he is not responsible for the delay in completion of trial, it is to be noted that continuation of criminal proceedings is not the subject matter in this writ petition. To maintain sanctity in public service, no person who is facing such serious allegation can be rewarded with promotion. It is not in public interest. The policy of the Government is clear and unambiguous and in terms thereof the petitioner is not entitled to promotion even on *ad hoc* basis when criminal case is pending. It cannot be said that employee is remediless. If he comes clear on the charge of illegal gratification, he can claim all benefits from retrospective date. For the afore-stated reasons, this writ petition deserves to be dismissed. It is accordingly dismissed.”

The learned Government Pleader for Revenue (Telangana) appearing on behalf of the respondents, has

submitted that G.O.Ms.No. 257, dated 10.06.1999 is applicable to all types of cases including the case of the appellant.

In view of the aforesaid submission of the learned Government Pleader, we hereby set aside the order dated 09.07.2018 in W.P.No. 22521 of 2018 passed by learned Single Judge of this Court. Consequently, the respondents are directed to consider the case of the appellant in terms of G.O.Ms.No. 257, dated 10.06.1999.

With the above direction, the writ appeal is disposed of.
No order as to costs.

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

18.07.2018

SURESH KUMAR KAIT, J

ABHINAND KUMAR SHAVILI, J

bcj