

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

W.P. No. 25129 of 2018

ORDER:- (ORAL)

(Per Hon' ble Sri Justice Suresh Kumar Kait)

This writ petition is filed challenging the order dated 12.07.2018 in O.A.No. 1350 of 2018, whereby the learned A.P. Administrative Tribunal, Hyderabad, while dismissing the application filed by the petitioner under Section 19 of the Administrative Tribunals, Act, 1985, has recorded as under:

“Assuming for a moment for the sake of argument that G.O.Ms.No. 257 is applicable to the applicant's case, it is liable to be applied more particularly with reference to Para 6 therein also. As per Para 6 of G.O.Ms.No. 257, the Government servant is not entitled even for *ad hoc* promotion in case the misconduct or allegations against such Government servant are grave in nature and involve dereliction touching moral turpitude. Bribery and corruption are certainly derelictions touching moral turpitude of the applicant. Therefore, the question of directing the respondents to consider the applicant's case even under G.O.Ms.No. 257 does not arise in this case. In case the department considers the applicant's case for promotion and if for any reason gives promotion to the applicant pending successful trap case by the Anti-Corruption Bureau authorities, it will certainly give wrong signals against the Department.

In the result, the Original Application is dismissed.”

Heard the learned counsel for the petitioner and the learned Government Pleader for Services (A.P.) appearing on behalf of the respondents.

Since the issue involved in the present writ petition has already been dealt with in catena of judgments delivered by this Court, we are inclined to dispose of the writ petition without seeking counter affidavit from the respondents.

On perusing the impugned order passed by the Tribunal, we do not dispute that the respondent – Department has to consider the nature of the charge leveled against the officer, however the fact remains that the department has to pass orders in terms of G.O.Ms.No.257, dated 10.06.1999.

Accordingly, we hereby set aside the impugned order dated 12.07.2018 in O.A.No. 1350 of 2018 passed by the Tribunal and direct the respondents to consider the case of the petitioner for promotion strictly 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.

20.07.2018

SURESH KUMAR KAIT, J

bcj

ABHINAND KUMAR SHAVILI, J