

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

W.P.No.27280 of 2018

ORDER:- (Per the Hon'ble Sri Justice Suresh Kumar Kait)

Vide the present writ petition, petitioner has assailed order dated 19.07.2018 passed in O.A.No.1404 of 2018 by the Andhra Pradesh Administrative Tribunal, Hyderabad, whereby the application filed by him under Section 19 of the Administrative Tribunals Act, 1985 has been dismissed, on the ground that the question of application of G.O.Ms.No.257 General Administration (Ser.C) Department dated 10.06.1999 does not arise in his case since enquiry is not pending for more than 2 years.

2. The said issue has been dealt by this Court in W.P.Nos.22864 and 22910 of 2018, wherein it was held as under:

“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 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.”

3. In view of the decision taken by this Court in the aforesaid writ petitions, we hereby set aside the order dated 19.07.2018 passed in

O.A.No.1404 of 2018. Consequently, respondents are directed to consider the case of the petitioner for promotion in terms of G.O.Ms.No.257 dated 10.06.1999.

4. Writ petition is accordingly disposed of. No order as to costs. As a sequel, miscellaneous petitions, if any pending, shall stand closed.

SURESH KUMAR KAIT, J

2nd August, 2018
sj

ABHINAND KUMAR SHAVILI, J

