

HON'BLE SRI JUSTICE SURESH KUMAR KAIT

And

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.27832 OF 2018

ORDER: (Oral, *Per* Hon'ble Sri Justice Suresh Kumar Kait)

Vide the present Petition, the petitioner has challenged the order, dated 30.07.2018, passed in O.A. No.1509 of 2018 by the Andhra Pradesh Administrative Tribunal at Hyderabad (for short, 'the Tribunal'); whereby the O.A. filed by the petitioner, under Section 19 of the Administrative Tribunals Act, 1985 (for short, 'the Act'), has been allowed.

It is not in dispute that the similar issue has been dealt in various Writ Petitions including W.P. Nos.22864 and 22910 of 2018, whereby this Court 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 if 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 18.06.20108 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."

In view of the decision taken by this Court in the aforesaid Writ Petitions, and in Writ Petition No.24835 of 2018, we hereby set-aside the order dated 30.07.2018 passed in O.A. No.1509 of 2018. Consequently, the respondents are directed to consider the case of the petitioner for promotion in terms of G.O.Ms. No.257, dated 10.06.1999.

Accordingly, with the above directions, the Writ Petition is disposed of. No order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.



SURESH KUMAR KAIT, J

ABHINAND KUMAR SHAVILI, J

Date: 07-08-2018.
Dsh

HON'BLE SRI JUSTICE SURESH KUMAR KAIT

And

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

128



10082018

WRIT PETITION No.27832 OF 2018

(Order of the Division Bench delivered by
Hon'ble Sri Justice Suresh Kumar Kait)

Date. 07-08-2018

DSH