

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

W.P. No. 28469 of 2018

ORDER:- (ORAL)

(Per Hon'ble Sri Justice Suresh Kumar Kait)

Vide the present writ petition, the petitioner has assailed the order 02.08.2018 in O.A.No. 1546 of 2018 passed 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.

The said issue has been dealt with by this Court in 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 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.”

In view of the decision taken by this Court in the aforesaid writ petitions, we hereby set aside the order dated 02.08.2018 passed in O.A.No. 1546 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.

Accordingly, 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.

10.08.2018

SURESH KUMAR KAIT, J

ABHINAND KUMAR SHAVILI, J

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