

**THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.GANGA RAO**

WRIT PETITION NO.29602 OF 2018

O R D E R : (Per Hon'ble Sri Justice Sanjay Kumar)

The petitioner is the applicant in O.A.No.1655/2018 on the file of Andhra Pradesh Administrative Tribunal, Hyderabad. His prayer therein was to declare G.O.Rt.No.69, Home (SC.A) Department, dated 29.01.2018, as illegal. He sought a consequential direction to promote him as an Assistant Sub-Inspector of Police in Guntur Rural District, as per his seniority w.e.f.31.07.2018 before giving posting to other Head Constables, including the 6th respondent, who was promoted as an Assistant Sub-Inspector of Police under proceedings dated 31.07.2018.

By way of his interim prayer, he sought a direction to the respondent authorities to forthwith consider and promote him as an Assistant Sub-Inspector of Police in Guntur Rural District before issuing posting orders to other Head Constables, including the 6th respondent.

By order dated 16.08.2018, the Tribunal, while admitting the O.A., merely directed that the promotion of the 6th respondent would be subject to the final result of the O.A. Aggrieved by non-consideration of his prayer to consider his candidature for promotion, the petitioner filed the present Writ Petition.

It is not in dispute that no disciplinary proceedings have been initiated against the petitioner and no criminal prosecution has been launched against him as on date. The petitioner would place reliance on G.O.Ms.No.66, General Administration (Services.C) Department,

dated 30.01.1991 and G.O.Ms.No.424, General Administration (Services.C) Department, dated 25.05.1976 in support of his contention that it is not open to the authorities to completely ignore his candidature for promotion as an Assistant Sub-Inspector of Police in Guntur District in the facts and circumstances obtaining.

Learned Government Pleader for Services (AP) fairly concedes that in terms of the afore-stated GOs, officers who are facing investigation also could be categorised into one or the other of the three groups mentioned in para 2 of G.O.Ms.No.424 dated 25.05.1976 and their cases could be dealt with as set out in the two GOs.

In that view of the matter, the Writ Petition is disposed of directing the respondents to consider the candidature of the petitioner in terms of G.O.Ms.No.424 dated 25.05.1976 and G.O.Ms.No.66 dated 30.01.1991, in the event vacancies in the posts of Assistant Sub-Inspector of Police in Guntur District are still available.

Pending miscellaneous petitions, if any, shall stand closed in the light of the afore-stated order. No order as to costs.

SANJAY KUMAR, J

M. GANGA RAO, J

23rd August, 2018

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