

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

WRIT PETITION NO.31140 OF 2018

ORDER : (Per Hon'ble Sri Justice Sanjay Kumar)

Aggrieved by the dismissal of O.A.No.1603 of 2018 by the Andhra Pradesh Administrative Tribunal, Hyderabad, vide order dated 10.08.2018, the applicant therein filed this writ petition. His prayer in the said O.A. was to direct the authorities to consider his case for promotion to the post of Deputy Director, Town and Country Planning, without reference to the charge memo issued in G.O.Rt.No.188, Municipal Administration and Urban Development (L) Department, dated 22.02.2007.

The Tribunal, however, was of the opinion that no Court or Tribunal would shut its eyes to the pending charge memo. On the strength of this reasoning, the O.A. was dismissed.

Pertinent to note, the Government of Andhra Pradesh put in place guidelines in relation to consideration of the candidature of employees for promotion though they were subjected to disciplinary proceedings or criminal proceedings. The request of the petitioner-applicant therefore deserved consideration by the authorities concerned in terms of the said guidelines.

Learned Government Pleader for Services also concedes this position.

The writ petition is accordingly allowed setting aside the order dated 10.08.2018 passed in O.A.No.1603 of 2018. There shall be a consequential direction to the respondents to consider the candidature of the petitioner in terms of G.O.Ms.No.257 dated

10.06.1999 and G.O.Ms.No.424 dated 25.05.1976, as and when promotions to the post of Deputy Director, Town and Country Planning, are taken up.

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

SANJAY KUMAR, J

M. GANGA RAO, J

30th August, 2018
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