

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.P.No.33585 of 2018

ORDER:

Heard learned counsel for the petitioner and the learned Government Pleader for Services-III (TG) for respondents.

2. Petitioner is Grade-III Municipal Commissioner and is entitled to be considered for promotion to the post of Municipal Commissioner, Grade-II. However disciplinary action was initiated by framing charges against the petitioner in G.O.Rt.No.443 dt.24-06-2016. Petitioner contends that though he submitted Written Statement on 05-12-2016, no steps have been taken till date by the respondents.

3. Learned Government Pleader for Services appearing for respondents states that decision was taken to appoint enquiry officer to enquire into allegations framed against the petitioner.

4. It is not in dispute that G.O.Ms.No.257 GA (Ser.C) Department dt.10-06-1999 was issued by the State Government to consider employees for *ad hoc* promotion if disciplinary cases/criminal prosecution are not concluded within after expiry of two years from the date of issuance of charge memoes.

5. Learned counsel for the petitioner states that petitioner is also entitled to have his case considered by the respondents for promotion to the post of Municipal Commissioner Grade-II in terms

of the said G.O. and the in action of the respondent authorities in that regard is arbitrary and illegal and violates Article 14 of the Constitution of India. Learned counsel for the petitioner has placed reliance on order dt.30-08-2018 in W.P.No.31140 of 2018 and also order dt.05-07-2018 in W.P.No.22864 and 22910 of 2018 wherein this Court had directed consideration of the case of the petitioners therein for promotion in terms of the said G.O.

6. Learned Government Pleader for Services states that the respondents will consider petitioner's case for promotion in terms of the said G.O. as and when such promotions are taken up.

7. Accordingly, the Writ Petition is disposed of directing the respondents to consider the candidature of the petitioner for promotion as Municipal Commissioner, Grade-II, in terms of G.O.Ms.No.257 dt.10-06-1999 as and when such promotions are taken up. No costs.

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

JUSTICE M.S.RAMACHANDRA RAO

Date: 22-10-2018
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