

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

WRIT PETITION No.17128 OF 2017

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

The petitioner is the unsuccessful applicant in O.A.No.4190 of 2016 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad. Her prayer therein was to consider her case for promotion to the post of Special Grade Municipal Commissioner. By order dated 06.12.2016, the Tribunal dismissed the said O.A.

Perusal of the order under challenge reflects that the Tribunal opined that G.O.Ms.No.529, General Administration (Services-C) Department, dated 19.08.2008, would have no application to the case of the petitioner/applicant and that G.O.Ms.No.257, General Administration (Services-C) Department, dated 10.06.1999, would also have no application given the fact that corruption charges in relation to receipt of bribes were pending against the petitioner/applicant. The Tribunal accordingly concluded that the case on hand was not a fit one to direct the authorities to consider the candidature of the petitioner/applicant for promotion to the post of Special Grade Municipal Commissioner.

It is an admitted fact that the Government issued G.O.Rt.No.1063, Municipal Administration (L1) Department, dated 14.09.2010, framing two Articles of Charge against the petitioner/applicant under Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991. Learned Government Pleader for Services, Andhra Pradesh, however does not dispute the fact that the proceedings are yet to conclude.

It may be noted that G.O.Ms.No.257 dated 10.06.1999 was issued by the Government of Andhra Pradesh stipulating the conditions whereupon the candidature of a Government employee, in relation to whom disciplinary proceedings/criminal proceedings are pending for more than two years, can be considered for further promotion. When the Government, in its wisdom, has stipulated such policy guidelines, it was not for the Tribunal to pre-empt such consideration by holding against the petitioner/applicant on the ground that grave charges have been leveled against her.

The writ petition is accordingly disposed of setting aside the order under challenge and directing the authorities concerned to consider the case of the petitioner for further promotion, if she comes within the zone of consideration, in accordance with the conditions laid down in G.O.Ms.No.257 dated 10.06.1999, as and when promotions are taken up.

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

SANJAY KUMAR,J

M. GANGA RAO, J

Date: 02.05.2018
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