

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.35076 OF 2018

ORDER

With the consent of the learned counsel on either side, this Writ Petition is disposed of at the admission stage.

This writ petition is filed seeking for the following relief:

“...to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus calling for the records relating to Charge Memo No.2687/V1/2017-43, dated 10-01-2018 issued by the 2nd respondent and set aside the same as illegal, arbitrary, unjust and unreasonable and contrary to principles of natural justice and also declare the action of the respondents in not considering the case of the petitioner for promotion to the next higher cadre as illegal, arbitrary, discriminatory and contrary to Articles 14 & 16 of the Constitution and also direct the respondents to consider the case of the petitioner for promotion to the next higher cadre i.e., Administrative Officer without reference to the Charge Memo No.2687/V1/2017-43, dated 10-1-2018 issued by the 2nd respondent and pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice.”

Heard Sri Ratna Reddy, learned counsel appearing for the petitioner and learned Government Pleader for Services-III appearing for the respondents.

It is the case of the petitioner that he is working as Senior Assistant in the office of the DTC, Ranga Reddy. While so, the 2nd respondent issued a charge memo on 10.1.2018 alleging certain irregularities. Pursuant thereto, the petitioner

has submitted his explanation on 6.2.2018. But the respondents neither appointed Enquiry Officer nor concluded the disciplinary proceedings. When his case was not considered for promotion, the petitioner filed the present writ petition.

Learned counsel appearing for the petitioner submits that while issuing the charge memo dated 10.1.2018, the 2nd respondent has not followed the procedure as prescribed under Rule-20 of APCS (CCA) Rules. He further submits that because of pendency of the disciplinary proceedings, the respondents are not considering the case of the petitioner for promotion and his case may be considered in terms of G.O.Ms.No.257, GAD Department, dated 10-06-1999.

Learned Government Pleader appearing for the respondents contends that since disciplinary proceedings are pending against the petitioner, his case was not considered for promotion.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that the appointing authority shall consider the case of the petitioner in terms of G.O.Ms.No.257, GAD Department, dated 10-06-1999.

Accordingly, the Writ Petition is disposed of. The appointing authority is directed to consider the case of the petitioner in terms of G.O.Ms.No.257, GAD Department, dated 10-06-1999, for promotion and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

1st October, 2018
rkk

