

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.36560 OF 2018

ORDER

With the consent of learned counsel on either side, the writ petition is disposed of at the admission stage.

This writ petition is filed seeking the following relief:

“..to issue writ, order or direction more particularly one in the nature of Writ of Mandamus calling for the records relating to Charge Memo G.O.Rt.No.62, Health, Medical & Family Welfare (VC.2) Dept, dated 23.01.2017 and set aside the same as unjust, without any basis and also declare the action of the respondents in not considering the case of the petitioner for promotion to the post of Civil Surgeon as illegal, arbitrary, unreasonable and consequently direct the respondents to consider the case of the petitioner for promotion to the post of Civil Surgeon without reference to the Charge Memo G.O.Rt.No.62, Health, Medical & Family Welfare (VC.2) Dept, dated 23.1.2017 issued by the 1st respondent with all consequential benefits and pass such other order or orders as the Hon'ble Court may deem fit and proper in the circumstances of the case.”

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

It is the case of the petitioner that initially, he was appointed as Assistant Civil Surgeon in the year 1992. Though he is fully eligible and qualified to the post of Civil Surgeon,

his case was not considered on the premise of issuance of charge memo dated 23.1.2017 by the respondents. The petitioner submitted his explanation denying the charges levelled against him. Thereafter, the respondents have appointed an enquiry officer, but, so far, neither the enquiry officer has submitted his report nor disciplinary proceedings were initiated against him.

Learned counsel appearing for the petitioner submits that the case of the petitioner was not considered for promotion on the premise of pendency of disciplinary proceedings against him. He further submits that the State Government has issued G.O.Ms.No.257, dated 10-6-1999, according to which the appointing authority can consider the case of the persons for promotion against whom disciplinary proceedings are pending.

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

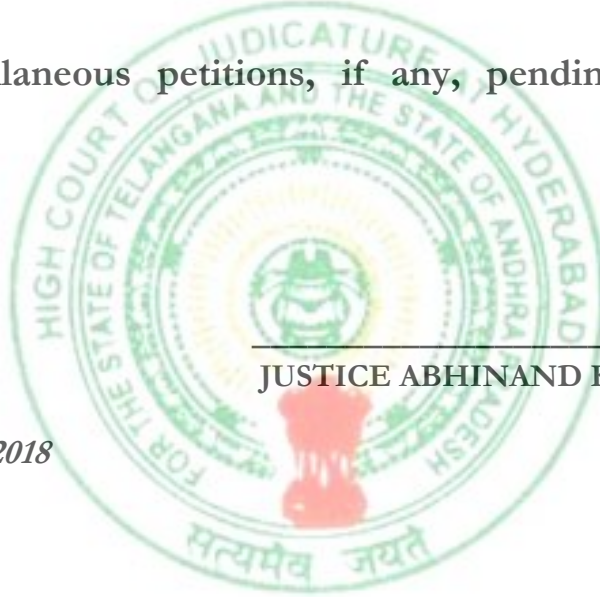
Having considered the rival submissions made by the learned counsel on either side, this Court is of the view that ends of justice would be met if a direction is issued to the

respondents to consider the case of the petitioner for promotion.

Accordingly, the Writ Petition is disposed of directing the respondents to consider the case of the petitioner for promotion to the post of Civil Surgeon strictly in terms of G.O.Ms.No.257, dated 10.06.1999, 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.

11th October, 2018
rkk



JUSTICE ABHINAND KUMAR SHAVILI