

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.3717 of 2002

ORDER

This Writ Petition is filed seeking a writ of *Mandamus* to declare the orders passed by the 1st respondent issued in Ref.No.1(14)/98- P.Ad dated 18.2.2002 insofar as petitioner is concerned as illegal, arbitrary and violative of principles of natural justice.

Heard Sri C.Sinivasa Baba, learned counsel for the petitioner and Sri J.V.Prasad, standing counsel for the respondent-Board.

It is contended by the petitioner that he was initially appointed as Field Officer in the year 1984 and later promoted as Senior Grading Officer. While he was working as Field Officer, disciplinary proceedings were initiated against him and when disciplinary proceedings were pending, the Departmental Promotion Committee meeting was convened on 5.6.1998 to consider the claims of all eligible Field Officers who are within the zone of consideration and who are fit to be promoted as Senior Grading Officers and the name of the petitioner was kept in a sealed cover. The departmental proceedings initiated against the petitioner were dropped consequent upon exoneration of charges leveled against him vide proceedings dated 13.4.1999. After exoneration of the charges and dropping of disciplinary proceedings, the petitioner submitted a representation to consider

his case for promotion to the post of Senior Grading Officer as per the recommendations of the Departmental Promotion Committee which was kept in a sealed cover. The petitioner was considered for promotion to the post of Senior Grading Officer vide proceedings dated 20.5.1999 with effect from 5.6.1998. While he was working as Senior Grading Officer, the impugned order dated 18.2.2002 was passed reverting the petitioner from the post of Senior Grading Officer to the post of Field Officer based on the recommendations of the review Departmental Promotion Committee. Challenging the order of reversion, the present writ petition is filed.

It is to be noticed that when this writ petition has come up for admission on 27.2.2002, interim order was granted. By virtue of the said interim order, the petitioner was continued as Senior Grading Officer.

Learned counsel appearing for the respondent-Board has submitted that subsequently the case of the petitioner was considered for promotion and he is working in the promoted post.

This Court having considered the rival submissions made by both the parties is of the considered view that the name of the petitioner was kept in a sealed cover as per the recommendations of the Departmental Promotion Committee and on exoneration of charges leveled against the petitioner, he was rightly promoted as Senior Grading Officer and while undertaking review Departmental Promotion Committee meeting, the petitioner was not put on notice and therefore, the impugned order is liable to be set aside.

Accordingly, the impugned order passed the 1st respondent in Ref.No.1(14)/98- P.Ad dated 18.2.2002 insofar as petitioner is concerned is set aside.

The Writ Petition is allowed accordingly. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 25/07/2018

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