

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

WRIT APPEAL NO.1496 OF 2018

JUDGMENT: (per SK,J)

The appellant is the petitioner in W.P.No.35203 of 2018. He filed I.A.No.1 of 2018 therein seeking a direction to the respondents to consider his case for promotion to the post of Panchayat Secretary Grade-I in the existing vacancies in terms of G.O.Ms.No.257, General Administration (Ser.C) Department, dated 10.06.1999, without reference to the pendency of criminal proceedings in C.C.No.12 of 2017 on the file of the learned I Additional Special Judge for SPE and ACB Cases, City Civil Court, Hyderabad. By order dated 05.10.2018 passed in this I.A., a learned Judge of this Court observed as under:

'Petitioner seeking promotion as Panchayat Secretary Grade I without reference to CC No.12 of 2017 on the file of I Additional Special Judge for SPE & ACB Cases, City Civil Court, Hyderabad and in terms of G.O.Ms.No.257 General Administration (Ser.C) Department dated 10.06.1999.

Admittedly, as of now, charge sheet is filed and criminal case is pending on the allegation of illegal gratification. According to the orders of the Government in G.O.Ms.No.257 dated 10.06.1999 employee is entitled to be considered for promotion pending disciplinary/criminal proceedings. However, he is not entitled to be granted promotion. If Departmental Promotion Committee recommends, his promotion would be deferred. As the criminal proceedings are pending, respondents are directed to consider the case of petitioner for promotion and if Departmental Promotion Committee recommends petitioner for promotion to the post of Secretary Grade I, his promotion should be deferred.'

Hence, this appeal.

Sri D.Balakishan Rao, learned counsel for the appellant-petitioner, would contend that there is no blanket prescription in G.O.Ms.No.257 dated 10.06.1999 to the effect that mere pendency of criminal proceedings would warrant deferring of the promotion even if the officer concerned is found fit to be promoted. Learned counsel would draw our attention to the various provisions of G.O.Ms.No.257 dated 10.06.1999 in this regard.

Learned Government Pleader for Services-II, State of Telangana, would also concede that there is no such blanket prescription in either G.O.Ms.No.257 dated 10.06.1999 or G.O.Ms.No.424 dated 25.05.1976.

Perusal of the aforesaid G.Os. would demonstrate that the Government prescribed the guidelines applicable to candidates for promotion who were facing either departmental or criminal proceedings.

In the light of the guidelines prescribed, it is for the authority concerned to consider each such case on an individual basis and take a decision by applying the same. It is not for this Court to step into the shoes of the authorities in the first instance and decide as to how the case of the candidate should be dealt with. The observation of the learned Judge that in the event the Departmental Promotion Committee recommends the case of the appellant-petitioner for promotion, his promotion should be deferred is accordingly set aside and it is left open to the authorities to take action strictly in accordance with G.O.Ms.No.257 dated 10.06.1999 and consider the candidature of the appellant-petitioner for further promotion, as and when such promotions are taken up, keeping in mind the pendency of criminal proceedings against him in C.C.No.12 of 2017 on the file of the I Additional Special Judge for SPE and ACB Cases, City Civil Court, Hyderabad.

The writ appeal is disposed of with the aforesaid directions.
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:13.11.2018

GJ

