

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

WRIT PETITION No.41698 OF 2018

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

The petitioner is the unsuccessful applicant in O.A.No.2210 of 2018 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad. His prayer therein was to direct the respondent authorities to consider his case for promotion to the post of Additional Director of Town and Country Planning, without reference to the Charge Memo issued to him *vide* G.O.Rt.No.677 dated 11.07.2018, and promote him with all consequential benefits. By order dated 30.10.2018, the Tribunal observed that no authority would shut its eyes to the pendency of a Charge Memo while considering the candidature of an employee for further promotion. The Tribunal therefore concluded that it ought not to interfere with the promotion process and accordingly dismissed the O.A. Aggrieved thereby, the petitioner-applicant is before this Court.

Perusal of the Charge Memo issued *vide* G.O.Rt.No.677 dated 11.07.2018 reflects that as many as four independent Articles of Charge were framed against the petitioner-applicant. It appears that the enquiry into these charges is yet to commence.

It is however to be noticed that the Government of Andhra Pradesh issued G.O.Ms.No.257, General Administration (Ser.C) Department, dated 10.06.1999, laying down the guidelines to be followed by the authorities while dealing with the candidature of employees, against whom disciplinary/criminal proceedings have been instituted, for further promotion. It is therefore for the authorities concerned to consider the candidature of any such charged employee in accordance with the said

guidelines. It was not for the Tribunal to step into the shoes of the authorities and decide as to whether the candidature of the petitioner-applicant warranted consideration in terms of the relevant guidelines, when no such exercise had been undertaken by them.

The writ petition is accordingly disposed of setting aside the order under challenge and directing the authorities to consider the case of the petitioner-applicant for promotion to the post of Additional Director of Town and Country Planning in accordance with the guidelines prescribed in G.O.Ms.No.257 dated 10.06.1999 as and when promotions are taken up for the said post.

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: 19.11.2018
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