

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

WRIT PETITION No.42058 OF 2018

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

The petitioner is the unsuccessful applicant in O.A.No.2482 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 Municipal Commissioner Grade-I notwithstanding the Articles of Charges framed against him *vide* Charge Memo dated 15.05.2018. By order dated 12.11.2018, the Tribunal dismissed the O.A. holding that the petitioner-applicant was not entitled to be considered for promotion in view of the grave allegations levelled against him.

It may be noted that G.O.Ms.No.257, General Administration (Ser.C) Department, dated 10.06.1999, was issued by the State of Andhra Pradesh laying down the guidelines to be followed by the authorities concerned while dealing with the candidature of employees, against whom disciplinary/criminal proceedings have been instituted, for further promotion. In that view of the matter, it is for the authorities to apply and implement the said guidelines on a case-to-case basis. Without the authorities concerned doing so, it was wholly premature for the Tribunal to step into their shoes and hold that the petitioner-applicant was not entitled to have his case considered.

On the above analysis, the writ petition is allowed setting aside the order dated 12.11.2018 passed by the Tribunal in O.A.No.2482 of 2018. The authorities shall consider the case of the petitioner-applicant for

further promotion in accordance with the guidelines prescribed in G.O.Ms.No.257 dated 10.06.1999 as and when promotions are taken up.

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: 22.11.2018

GJ

