

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

WRIT PETITION No.43168 OF 2018

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

The petitioner is the applicant in O.A.No.2488 of 2018 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad. He is aggrieved by the dismissal of the said O.A. *vide* order dated 12.11.2018. His prayer therein was to consider his case for promotion as a Superintending Engineer without reference to the Charge Memo issued to him *vide* G.O.Rt.No.899 dated 21.12.2017. By the order under challenge, the Tribunal opined that as the Charge Memo was not more than two years old, G.O.Ms.No.257, General Administration (Ser.C) Department, dated 10.06.1999 would have no application to the case of the petitioner-applicant.

This Court had occasion to consider a similar issue in W.P.No.28886 of 2018, which was allowed on 21.08.2018, and found that G.O.Ms.No.257 dated 10.06.1999 does not stipulate lapse of two years as a condition precedent before a charged employee's candidature can be considered for further promotion.

Learned Government Pleader for Services, State of Andhra Pradesh, also concedes this position fairly.

In that view of the matter, the writ petition is disposed of directing the respondents to consider the candidature of the petitioner-applicant for promotion to the post of Superintending Engineer 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: 28.11.2018
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