

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

CONTEMPT CASE No.2435 OF 2017

Dated:18.01.2018

Between:

T. Madhu Mohan, S/o. Sri T. Balaiah,
Aged 54 years, Inspector of Police,
Presently working at East Zone
Control Room, Amberpet, Hyderabad

.. Petitioner

And

Sri Rajiv Trivedi, IPS, Principal
Secretary, Home Department,
Telangana Secretariat, Hyderabad
and another

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**CONTEMPT CASE No.2435 OF 2017****ORDER:**

This Court by order dated 19.04.2017 in W.P.M.P.No.17339 of 2017 in W.P.No.13968 of 2017 directed the respondents to consider the case of the petitioner for promotion, if he is reckoning for promotion as per the existing seniority list which is in force against existing vacancies, as and when promotions are taken up. Alleging violation of the said direction, this Contempt Case is filed.

2. According to learned counsel for the petitioner, petitioner was eligible for promotion as early as in the year 2014 and by then itself far junior to the petitioner was promoted in the year 2014. The specific plea raised in the writ affidavit is that petitioner was illegally ignored and juniors were promoted and subsequently his case was not considered for promotion on the ground that disciplinary proceedings were initiated against him in the year 2015 and are pending. Having regard to these averments made in the affidavit, the said interim order was passed. He therefore submits that petitioner should have been considered for promotion in the vacancies which are notified in the year 2014 though considered for promotion in the year 2017.

3. In the counter affidavit, the stand of the respondents is that though petitioner is senior and eligible for consideration for promotion, promotion is not granted to him on the ground that disciplinary proceedings were initiated against him in the year 2015 and pending disciplinary proceedings is a bar for

consideration for promotion according to the policy of the Government.

4. Though plea was raised in the Writ Petition about eligibility for promotion in the year 2014, much prior to initiation of disciplinary proceedings, the Court has not gone into that issue as the order dated 19.04.2017 was passed at the interlocutory stage and what was sought in the Writ Petition was to grant promotion to the petitioner from retrospective date. As the Court directed consideration of the case of the petitioner for promotion in the existing vacancies, it cannot be assumed or presumed at this stage that such consideration should relate to the year 2014 and without reference to 2015 disciplinary proceedings. Therefore, I am of the opinion that non-consideration of the petitioner for promotion is not in violation of the directions issued warranting initiation of proceedings under Contempt of Courts Act, 1971.

5. The Contempt Case is accordingly closed. The respondents are discharged.

P. NAVEEN RAO, J

Date:18.01.2018

KH