

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

WRIT PETITION NO.43822 OF 2018

ORDER: (per SK,J)

The petitioner is the unsuccessful applicant in O.A.No.2453 of 2018 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad. His prayer therein was to declare the action of the authorities in not considering his case for promotion to the post of Superintending Engineer as illegal. He sought a consequential direction to the authorities to consider his case for promotion on par with his juniors by taking into account his representation. By order dated 12.11.2018, the Tribunal dismissed the O.A. Hence, this writ petition.

It is an admitted fact that the petitioner is facing disciplinary proceedings inasmuch as an article of charge was framed against him *vide* G.O.Rt.No.332, Municipal Administration & Urban Development (Vig.I) Department, dated 10.04.2018. The disciplinary proceedings are pending at the stage of enquiry. The petitioner obviously cannot seek to ignore the pendency of the disciplinary proceedings which would affect his candidature for further promotion. In this regard, it may be noted that the Government of Andhra Pradesh prescribed the guidelines that would have to be followed by the authorities concerned while considering the candidature of employees who are facing either departmental or criminal proceedings *vide* G.O.Ms.No.257, General Administration (Ser.C) Department, dated 10.06.1999. It is therefore for the authorities concerned to consider the case of the petitioner in terms of the said guidelines and take a decision thereon as to his candidature for further promotion. Without the authorities doing so, it was wholly premature for

the Tribunal to opine that G.O.Ms.No.257 dated 10.06.1999 would have no operation.

The writ petition is accordingly disposed of setting aside the order dated 12.11.2018 passed by the Tribunal in O.A.No.2453 of 2018 and directing the authorities concerned to consider the case of the petitioner in terms of the guidelines prescribed under G.O.Ms.No.257 dated 10.06.1999 as and when promotions to the post of Superintending Engineer are taken up.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

Date:03.12.2018

GJ



SANJAY KUMAR,J

M.GANGA RAO,J