

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

WRIT PETITION NO.47358 OF 2018

ORDER: (per SK,J)

The petitioner is the applicant in O.A.No.2812 of 2018 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad. His prayer therein was to consider his claim for promotion as a Superintending Engineer (Public Health) without reference to the Charge Memo issued against him under G.O.Rt.No.1001 dated 29.10.2018 in relation to an incident pertaining to the year 2003. By order dated 18.12.2018, the Tribunal dismissed the O.A. being of the opinion that 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 as the Charge Memo was not more than two years old.

Perusal of G.O.Ms.No.257 dated 10.06.1999 would demonstrate that the gap of two years mentioned earlier in G.O.Ms.No.74 dated 24.02.1994 was done away as the said G.O. stood cancelled in terms of paragraph 4 of G.O.Ms.No.257 dated 10.06.1999. The Tribunal therefore erred in applying the two year embargo to the case of the petitioner-applicant as no such embargo remains in existence after the cancellation of G.O.Ms.No.74 dated 24.02.1994.

In that view of the matter, as the Government itself prescribed guidelines to be followed by the competent authority for considering the candidature of employees for promotions who are facing either disciplinary or criminal proceedings, it is for the competent authority to deal with the case of the petitioner-applicant in the event his candidature

comes within the zone of consideration for promotion to the post of Superintending Engineer in terms of G.O.Ms.No.257 dated 10.06.1999.

The writ petition is accordingly allowed setting aside the order dated 18.12.2018 passed by the Tribunal in O.A.No.2812 of 2018 and directing the respondents herein to consider the case of the petitioner-applicant, in the event he comes within the zone of consideration for promotion to the post of Superintending Engineer (Public Health), in strict accordance with the provisions of G.O.Ms.No.257 dated 10.06.1999 as and when such 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:28.12.2018

GJ