

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.82 of 2019

ORDER:

This Writ Petition is filed seeking a Writ of Mandamus declaring the action of respondents in not considering the claim of the petitioner for promotion to the post of Gr.I Hostel Welfare Officer, while considering the case of his juniors on the ground that earlier the petitioner was placed under suspension vide proceedings Rc.No.A/316/2014 dated 29.07.2015, as illegal and arbitrary and sought a consequential direction to the respondents to consider the case of the petitioner for promotion to the post of Gr.I Hostel Welfare Officer in the existing vacancies while considering the cases of others, as no departmental proceedings or other proceedings are pending against the petitioner as on today.

Heard Sri S.Satyanarayana Rao, learned counsel for petitioner and the learned Government Pleader for Social Welfare.

It has been contended by the petitioner that he was initially appointed as Class-IV employee on compassionate grounds on account of medical invalidation of his mother. Thereafter, the petitioner was promoted as Grade-II Hostel Welfare Officer on 16.09.2006 and he is fully eligible and qualified for promotion to the post of Gr.I Hostel Welfare Officer.

The grievance of petitioner is that the respondents are not considering his case on the ground that previously the petitioner was placed under suspension on certain allegations vide proceedings dated 29.07.2015. Thereafter, the suspension orders were revoked and no disciplinary action has been initiated against

the petitioner. The suspension order dated 29.07.2015 has been used as a stigma to deny promotion to the petitioner. Therefore, appropriate orders be passed directing the respondents to consider the case of petitioner for promotion to the post of Gr.I Hostel Welfare Officer in the existing vacancies.

Learned Government Pleader appearing for respondents submits that serious allegations are levelled against the petitioner and the petitioner was placed under suspension for certain irregularities vide proceedings dated 29.07.2015 and the conduct of the petitioner is being investigated. He further submits that the case of the petitioner will be considered in terms of G.O.Ms.No.257 dated 10.06.1999.

This Court, having considered the rival submissions, is of the considered view that the case of the petitioner has to be considered for promotion, however, subject to guidelines framed in G.O.Ms.No.257 dated 10.06.1999. Therefore, the respondents are directed to consider the case of the petitioner for promotion to the post of Gr.I Hostel Welfare Officer in terms of G.O.Ms.No.257 dated 10.06.1999 and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order.

With the above observations, the writ petition is accordingly disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date : 03-01-2019
Prv

