

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.14199 of 2002

ORDER :

This writ petition is filed seeking *Mandamus* declaring the action of the respondents in denying promotion to the petitioner to the post of Senior Manager with effect from 11.08.1992 and further not promoting him as a Divisional Manager with effect from 13.09.1994 on par with his juniors, as illegal, arbitrary and violative of Articles 14, 16 and 21 of the Constitution of India, and consequently, direct the respondents to promote the petitioner as a Senior Manager with effect from 11.08.1992 and further promote him as a Divisional Manager with effect from 13.09.1994 on par with his juniors with all consequential benefits, such as arrears of salary, seniority etc.

Heard Sri K. Lakshmi Narasimha, learned counsel for the petitioner and Sri P.V.V. Satyanarayana, learned Standing Counsel for Girijan Cooperative Corporation Limited.

It has been contended by the petitioner that while he was working as a Manager, the respondents have promoted his juniors as Senior Managers vide proceedings Rc.No.2191/92-AIA, dated 11.08.1992, ignoring the case of the petitioner on the ground that the disciplinary proceedings are pending against him. The petitioner further submits that vide proceedings dated 23.12.1992, the Disciplinary Authority has imposed the

punishment of Censure against him and aggrieved by the same, he preferred an appeal before the 1st respondent – Appellate Authority and the Appellate Authority vide proceedings Rc.No.2899/92-A.II.D, dated 31.07.1994, was pleased to allow the said appeal setting aside the penalty of Censure imposed against the petitioner. It is the contention of the petitioner that when once the punishment of Censure was set aside, he is entitled to be considered for promotion to the post of Senior Manager with effect from 11.08.1992 on par with his juniors. The petitioner further contends that such illegality has been once again repeated by the respondents even while effecting promotion to the post of Divisional Manager and the juniors to the petitioner were promoted as Divisional Managers with effect from 13.09.1994, ignoring the case of the petitioner.

Learned counsel for the petitioner submits that, no doubt, the petitioner was promoted as a Senior Manager during September, 1994, though he was entitled to be promoted as Senior Manager with effect from 11.08.1992 itself along with his juniors. Therefore, learned counsel for the petitioner submits that appropriate orders be passed in the writ petition directing the respondents to consider the case of the petitioner for promotion to the post of Senior Manager with effect from 11.08.1992 and also to the post of Divisional Manager with effect from 13.09.1994 on par with his juniors with all consequential benefits.

On the other hand, learned Standing Counsel for the respondent – Corporation opposed the relief sought in the writ petition.

This Court, having considered the rival submissions made by the learned counsel for the respective parties, is of the considered view that this writ petition can be disposed of directing the respondents to consider the case of the petitioner for promotion to the post of Senior Manager by duly taking into consideration the order dated 31.07.1994 passed by the Appellate Authority and pass appropriate orders in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order.

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

As a sequel, miscellaneous petitions pending, if any, in this writ petition shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

31.10.2019.
Msr

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