

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.994 OF 2019

ORDER

This writ petition is filed seeking the following relief:

“...To issue an appropriate Writ, direction or Order more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in not promoting the petitioner to the post of Town Planning Supervisor from the post of Town Planning Building Overseer without reference to the charge Memo G.O.Rt.No.250, MA&UD (Vig.II((1), Department, dated 26-04-2017 is highly illegal and unjustified with a direction to the respondents to promote the petitioner to the post of Town Planning Supervisor from the post of Town Planning Building Overseer without reference to the charge Memo G.O.Rt.No.250, MA&UD (Vig.II(1), Department, dated 26-04-2017 and pass such other or further order or orders as the Hon'ble Court may deem fit and proper in the circumstances of the case.”

Heard Sri M.V.S.Sai Kumar, learned counsel appearing for the petitioner and learned Government Pleader for Services III appearing for the respondents.

It is the case of the petitioner that though he is fully eligible and qualified to be promoted to the post of Town Planning Supervisor, his case was not considered by the respondents due to pendency of charge memo dated 26.4.2017. The State Government has taken a policy decision *vide* G.O.Ms.No.257, dated 10.6.1999, as per which, the competent

authority shall examine each individual case as to whether the charges levelled against the employee are grave in nature or not and if the same are found to be grave in nature, such individual cannot be considered for promotion. But, the respondents have not examined the case of the petitioner for promotion to the post of Town Planning Supervisor in terms of the said G.O.

Learned counsel appearing for the petitioner submits that appropriate orders be passed directing the respondents to consider the case of the petitioner in terms of the said G.O.

Learned Government Pleader appearing for the respondents contends that the case of the petitioner will be considered for promotion strictly in accordance with G.O.Ms.No.257, dated 10.6.1999 and appropriate orders will be passed.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the view that ends of justice would be met if a direction is given to the respondents to consider the case of the petitioner for promotion in accordance with G.O.Ms.No.257, dated 10.6.1999.

Accordingly, the Writ Petition is disposed of directing the respondents to consider the case of the petitioner for

promotion to the post of Town Planning Supervisor strictly in accordance with G.O.Ms.No.257, dated 10.6.1999 and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

23rd January, 2019
rkk

JUSTICE ABHINAND KUMAR SHAVILI