

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.1327 of 2018

ORDER:

This writ petition is filed seeking a Writ of Mandamus declaring the action of respondents in not considering the case of the petitioner for promotion to the post of Deputy Executive Engineer (GHMC cadre) on the ground of pendency of criminal case is illegal and arbitrary and consequently sought a direction to the respondents to consider the case of the petitioner for promotion to the post of Deputy Executive Engineer, as per his seniority, with all consequential benefits without reference to C.C.No.46 of 2014, C.C.No.39 of 2016 and Cr.No.09/RCT-CR-2-2017 on the file of Additional SPE and ACB Cases-cum-V Additional Chief Judge, City Civil Court, Hyderabad, in terms of G.O.Ms.No.257 dated 10.06.1999.

Heard Mr.S.Syam Sunder Rao, learned counsel for petitioner and the learned Government Pleader for Services-III.

It has been contended by the petitioner that he is working as Assistant Engineer since 1996 and he is fully eligible and qualified to be promoted as Deputy Executive Engineer.

The grievance of petitioner is that the respondents are not considering his case for promotion to the post of Deputy Executive Engineer on the ground that criminal cases are pending against him in C.C.No.46 of 2014, C.C.No.39 of 2016 and Cr.No.09/RCT-CR-2-2017 on the file of Additional SPE and ACB Cases-cum-V Additional Chief Judge, City Civil Court, Hyderabad.

Learned counsel for petitioner contended that the State Government has taken a policy decision to consider the cases of employees for promotion against whom disciplinary proceedings and criminal proceedings are pending. As per G.O.Ms.No.257 dated 0.06.1999, the competent authority must consider the cases

of employees against whom disciplinary proceedings and criminal proceedings are pending and pass appropriate orders as to whether they are eligible for promotion. The competent authority must also examine whether the allegation of charge involves moral turpitude or not. But, in the instant case, the competent authority is not considering the case of petitioner for promotion to the post of Deputy Executive Engineer strictly in terms of G.O.Ms.No.257 dated 10.06.1999. Therefore, learned counsel for petitioner contends that appropriate orders be passed directing the respondents to consider the case of petitioner for promotion to the post of Deputy Executive Engineer in terms of G.O.Ms.No.257 dated 10.06.1999 and pass appropriate orders.

Learned Government Pleader appearing for respondents has contended that the case of the petitioner will be considered in terms of G.O.Ms.No.257 dated 10.06.1999 and appropriate orders would be passed.

This Court, having considered the rival submissions, is of the considered view that the writ petition can be disposed of directing the respondents to consider the case of petitioner for promotion to the post of Deputy Executive Engineer 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 disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 25-01-2019
Prv

