

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.1603 of 2019

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 Assistant Prohibition and Excise Superintendent under the guise of pendency of two criminal cases and two disciplinary proceedings, 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 Assistant Prohibition and Excise Superintendent in terms of the guidelines issued in G.O.Ms.No.257 dated 10.06.1999 in ensuing DPC meeting scheduled to be held on 02.02.2019 or any other subsequent date.

Heard Mr.K.Ram Reddy, learned counsel for petitioner and the learned Government Pleader for Services-II.

It has been contended by the petitioner that he is working as Prohibition and Excise Inspector and he is fully eligible and qualified to be promoted to the post of Assistant Prohibition and Excise Superintendent.

The grievance of the petitioner is that the respondents are not considering his case for promotion to the post of Assistant Prohibition and Excise Superintendent on the ground that two criminal cases and two disciplinary proceedings are pending against him.

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 10.06.1999, 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 respondents are not considering the case of petitioner for promotion to the post of Assistant Prohibition and Excise Superintendent 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 Assistant Prohibition and Excise Superintendent 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 Assistant Prohibition and Excise Superintendent in terms of G.O.Ms.No.257 dated 10.06.1999 and pass appropriate orders in the ensuing DPC meeting.

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: 30-01-2019

Prv

