

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.2431 OF 2019

ORDER

This writ petition is filed seeking the following relief:

“... to issue writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in not considering the case of the petitioner for promotion to the post of Junior Assistant and Senior Assistant on par with the 5th respondent in view of the acquittal of the petitioner in C.C.No.3 of 2015, dated 05.09.2018 on the file of the Court of Special Judge for Trial of SPE and ACB Cases, Karimnagar, as void, illegal, arbitrary, unconstitutional and consequently direct the respondents to consider the case of the petitioner for promotion to the post of Junior Assistant and Senior Assistant w.e.f the date of promotion of the 5th respondent, who is junior to the petitioner as per G.O.Ms.No.424, dated 25.05.1976 by considering the representations made by the petitioner dated 02.06.2018 and 19.10.2018 and to pass such other order or orders as this Hon'ble Court may deems fit, just and proper in the circumstances of the case.”

Heard Sri S.Jagadish, learned counsel appearing for the petitioner and Sri T.Chandra Sekhar Rao, learned Standing Counsel appearing for the 4th respondent.

It is the case of the petitioner that he was appointed as Bill Collector on compassionate grounds on 01.05.1991 in the 4th respondent-Municipality and he was working as such. While so, a criminal case was registered against him and the same was numbered as C.C.No.3 of 2015. Thereafter, he was

acquitted in the said criminal case *vide* judgment dated 5.9.2018 by the Special Judge for Trial of SPE & ACB Cases, Karimnagar. Though he stood at Sl.No.1 in the seniority list, his case was not considered for promotion, but the 5th respondent, who is junior to him, was promoted as Junior Assistant as well as Senior Assistant. Hence, he submitted representations to the respondents on 02.06.2018 and 19.10.2018 seeking to promote him as Junior Assistant and Senior Assistant on par with the 5th respondent. But, so far, no orders have been passed thereon.

Learned counsel appearing for the petitioner submits that appropriate orders be passed directing the respondents to consider the case of the petitioner for promotion to the post of Junior Assistant as well as Senior Assistant on par with the 5th respondent in terms of G.O.Ms.No.424, dated 25.05.1976.

Learned Government Pleader appearing for respondents 1 to 3 submits that the respondents would consider the representations of the petitioner and pass appropriate orders thereon.

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 representations made by the petitioner.

Accordingly, the Writ Petition is disposed of directing the respondents to consider the representations submitted by the petitioner on 02.06.2018 and 19.10.2018, and pass appropriate orders thereon, in accordance with law, 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.

14th February, 2019
rkk

JUSTICE ABHINAND KUMAR SHAVILI

