

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.3543 of 2019

ORDER :

This writ petition is filed seeking Writ of Mandamus declaring that the petitioner is entitled for notional promotion to the post of Assistant Director of Agriculture with effect from the date on which his immediate junior was promoted to the said post consequent on treating the suspension period of the petitioner as on duty vide G.O.Rt.No.105, Agriculture and Cooperation Department, dated 01.03.2016 with all consequential benefits, including Pay and Allowances, revision of pensionary benefits and other attendant benefits by holding the action of the respondents in not considering the just claim of the petitioner for notional promotion, even though the disciplinary case pending against him has ended in favour of the petitioner, as illegal, arbitrary and unjust.

It is the case of the petitioner that while working as Agricultural Officer (SC), Palvoncha, he was placed under suspension vide proceedings dated 21.06.1988 and he was continued under suspension till his retirement on 31.07.1996. The grievance of the petitioner is that his case was not considered for promotion as Assistant Director of Agriculture on the ground of pendency of disciplinary proceedings against him and his immediate junior was promoted as Assistant Director of Agriculture. The petitioner submits that he has retired from

service on attaining the age of superannuation on 31.07.1996 and the Departmental Proceedings were ended in his favour and the entire suspension period from 26.06.1988 to 31.07.1996 was treated as spent on duty for all purposes vide G.O.Rt.No.105, dated 01.03.2016. Therefore, he made a representation dated 04.04.2017 requesting that as the Departmental proceedings ended in his favour and the entire suspension period was also treated as spent on duty, his case may be considered for notional promotion to the post of Assistant Director of Agriculture on par with his immediate junior with all consequential benefits, including Pay and Allowances, revision of pensionary benefits and other attendant benefits. As no orders have been passed by the respondents on the said representation, the petitioner has filed the present writ petition.

Heard Sri D. Balakishan Rao, learned counsel for the petitioner and the learned Government Pleader for Services-III appearing for the respondents.

Learned counsel for the petitioner submits that the respondents have not passed any orders on the representation submitted by the petitioner on 04.04.2017 nor considered the case of the petitioner for notional promotion to the post of Assistant Director of Agriculture on par with his immediate junior with all consequential benefits. The learned counsel, therefore, contends that appropriate orders be passed in the

writ petition directing the respondents to consider the representation made by the petitioner on 04.04.2017 and pass appropriate orders in accordance with law.

On the other hand, the learned Government Pleader for Services contends that the case of the petitioner will be considered and appropriate orders would be passed on the representation dated 04.04.2017 submitted by the petitioner in accordance with law.

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 representation made by the petitioner on 04.04.2017 seeking to consider his case for notional promotion to the post of Assistant Director of Agriculture on par with his immediate junior with all consequential benefits 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, the 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

21.02.2019.
Msr

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.3543 of 2019



21.02.2019
Msr