

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.2885 OF 2019

ORDER

This writ petition is filed seeking the following relief:

“...to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not considering the claim of the petitioner for promotion of Assistant City Planner from Town Planning Officer without taking into consideration of the charge memo *vide* G.O.RT.No.54, MA&UD(L2) Department, dated 10-01-2014 and to promote the petitioner as per the DPC constituted by the respondents is illegal, arbitrary, unconstitutional, contrary to law and consequently direct the respondents to consider the claim of the petitioner for promotion as Assistant City Planner from the post of Town Planning Officer without taking into consideration of the charge memo *vide* G.O.RT.No. 54, MA&UD (L2) Department, dated 10-01-2014 and promote the petitioner by following the analogy of orders passed in favour of co-charged officers by this Honble Court in the same set of allegations and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

When the matter is taken up for hearing, learned counsel appearing for the petitioner submits that though the petitioner is eligible and qualified to be promoted to the post of Assistant City Planner, the respondents are not considering his case on the premise of pendency of charge memo dated 10.01.2014 and that the issue involved in this writ petition is squarely covered by order dated 23.1.2019 passed by this Court in W.P.No.994 of 2019.

Learned Government Pleader appearing for the respondents submits that the respondents would consider the case of the petitioner in terms of G.O.Ms.No.257, dated 10-06-1999 and pass appropriate orders.

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 to the post of Assistant City Planner.

Following the order dated 23.1.2019 passed by this Court in W.P.No.994 of 2019, this Writ Petition is disposed of directing the respondents to consider the case of the petitioner for promotion to the post of Assistant City Planner strictly in terms of G.O.Ms.No.257, dated 10-06-1999 and pass appropriate orders, 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.

JUSTICE ABHINAND KUMAR SHAVILI

14th February, 2019
rkk

