

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.3336 OF 2019

ORDER

This writ petition is filed seeking a direction to the respondents to consider the case of the petitioner for promotion to the post of Civil Surgeon (General), without reference to the charge memo dated 06.12.2008.

Heard Sri S.Satyanarayana Rao, learned counsel appearing for the petitioner and learned Government Pleader for Medical and Health appearing for the respondents.

It is the case of the petitioner that he belongs to the Scheduled Tribe community. Initially, he was appointed as Civil Assistant Surgeon on 03.09.1994 and he was discharging his duties as such. While so, charge memo dated 6.12.2008 was issued to him alleging that he has not remitted the unspent amount of Rs.25,420/- to the DM&HO, Warangal, for the years 2002 to 2007. Pursuant thereto, he submitted his explanation stating that the unspent amount of Rs.25,420/- not at all belongs to his working period at PHC, Kambalapally; that he has taken over the charge as Medical Officer at Kambalapally on 12.09.2006; that as on that date, there was no unspent cash balance; and that similar charge memo was already issued to his predecessor, who accepted

the responsibility and remitted the said amount of Rs.25,420/-.

The grievance of the petitioner is that though 11 years have elapsed, the respondents are not concluding the disciplinary proceedings due to pendency of the charge memo dated 06.12.2008 and not considering his case for promotion to the post of Civil Surgeon (General).

Learned counsel appearing for the petitioner submits that the State Government has framed detailed guidelines vide G.O.Ms.No.257, dated 10-06-1999, wherein the Government has taken a policy decision to consider the cases of the employees, against whom disciplinary proceedings are pending, for promotion to the higher post by examining each individual case and passing order on the issue whether the allegations levelled against the employees will have any effect while considering their cases for further promotions. Learned counsel further submits that though 11 years period has been elapsed, the respondents are neither concluding the disciplinary proceedings nor considering the case of the petitioner in terms of the said G.O.Ms.No.257, dated 10-06-1999, for promotion to the post of Civil Surgeon and that appropriate orders be passed by setting aside the charge memo, and directing the respondents to consider the case of

the petitioner for promotion to the post of Civil Surgeon (General).

Learned Government Pleader appearing for the respondents submits that the respondents would consider the case of the petitioner for promotion to the post of Civil Surgeon (General) strictly in terms of G.O.Ms.No.257, dated 10-06-1999.

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.

Accordingly, the Writ Petition is disposed of directing the respondents to consider the case of the petitioner for promotion to the post of Civil Surgeon (General) 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 six 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

19th February, 2019
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