

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.5160 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 2nd respondent in not promoting the petitioner as Assistant Sub Inspector of Police on the ground that Section 498-A case is pending which is unconnected with the duties discharging by the petitioner is illegal, arbitrary and against the principles of natural justice also violative of Articles 14, 19 and 21 of the Constitution of India and consequently to direct the respondents to consider the case of the petitioner for promotion as Assistant Sub Inspector of Police and also issue monetary benefits and to pass such other order or orders in the interest of justice”

Heard Sri M.Ajay Kumar, learned counsel appearing for the petitioner, and learned Government Pleader for Home appearing for the respondents.

The petitioner is working as Head Constable and he is fully eligible and qualified to be promoted to the post of Assistant Sub Inspector of Police. His grievance is that the respondents are not considering his case for promotion to the post of Assistant Sub Inspector of Police on the ground that a case filed against him under Section 498-A IPC is pending.

Learned counsel appearing for the petitioner contends that the State Government has taken a policy decision in

G.O.Ms.No.257, dated 10.6.1999 wherein the State Government had framed elaborate guidelines to the effect that the appointing authority must consider the cases of the employees against whom disciplinary proceedings and criminal cases are pending and come to a conclusion as to whether such employees are entitled to be promoted or not; that in the instant case, the respondents have not considered the case of petitioner for promotion to the post of Assistant Sub Inspector of Police by applying guidelines framed in G.O.Ms.No.257, dated 10.6.1999; and that appropriate orders be passed directing the respondents to consider the case of the petitioner for promotion to the post of Assistant Sub Inspector of Police.

Learned Government Pleader appearing for the respondents submits that the case of the petitioner would be considered for promotion to the post of Assistant Sub Inspector of Police in terms of G.O.Ms.No.257, dated 10.6.1999 and appropriate orders would be passed.

Having considered the rival submissions made by the learned counsel on either side, this writ petition is disposed of directing the respondents to consider the case of the petitioner for promotion to the post of Assistant Sub Inspector of Police strictly in terms of G.O.Ms.No.257, dated 10.6.1999 and pass

appropriate orders within a period of eight 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

13th March, 2019
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