

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.5255 of 2019

ORDER:

This writ petition is filed seeking the following relief :-

“.... to issue an appropriate Writ, Order or Direction more particularly in the nature of Writ of Mandamus declaring the action of respondents in not considering the claim of the petitioner for promotion as Town Planning Officer without taking into consideration the Charge Memo vide G.O.Rt.No.344 M.A and U.D (E2) Dept., dated 25.03.2010 and to promote the petitioner as per the DPC constituted by the respondents as illegal, arbitrary, unconstitutional, contrary to law and consequently direct the respondents to consider the claim of the petitioner for promotion as Town planning Officer from the post of Town Planning Supervisor without taking into consideration the Charge memo vide G.O.Rt.No.344 MA and UD (E2) Department dated 25.03.2010 and to promote the petitioner by following the analogy of orders passed in favour of other officers by this Honourable Court”.

Heard Mr.M.M.Ali, learned counsel for petitioner and the learned Government Pleader for Municipal Administration and Urban Development.

It has been contended by the petitioner that he is working as Town Planning Supervisor and he is fully eligible and qualified to be promoted to the post of Town Planning Officer.

The grievance of the petitioner is that the respondents are not considering his case for promotion to the post of Town Planning Officer on the ground that Charge Memo dated 25.03.2010 is pending against him.

Learned counsel for petitioner contended that the State Government has framed guidelines in G.O.Ms.No.257 dated 10.06.1999 to consider the cases of employees for promotion against whom disciplinary proceedings/criminal proceedings are

pending. As per G.O.Ms.No.257 dated 10.06.1999, the competent authority must consider the cases of employees against whom disciplinary proceedings/criminal proceedings are pending and pass appropriate orders as to whether they are eligible for promotion. But, in the instant case, the respondents are not considering the case of petitioner for promotion to the post of Town Planning Officer in terms of G.O.Ms.No.257 dated 10.06.1999. Therefore, learned counsel for petitioner contends that appropriate orders be passed directing the respondents to consider the case of petitioner for promotion to the post of Town Planning Officer in terms of G.O.Ms.No.257 dated 10.06.1999 and pass appropriate orders.

Learned Government Pleader appearing for respondents has contended that the case of the petitioner will be considered in terms of G.O.Ms.No.257 dated 10.06.1999 and appropriate orders would be passed.

This Court, having considered the rival submissions, is of the considered view that the writ petition can be disposed of directing the respondents to consider the case of petitioner for promotion to the post of Town Planning Officer in terms of G.O.Ms.No.257 dated 10.06.1999 and pass appropriate orders within six 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.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

Date: 14-03-2019
Prv

