

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.5287 of 2019

ORDER:

This writ petition is filed seeking the following relief :-

“.... to issue a writ or direction particularly one in the nature of Writ of Mandamus to direct the respondents to consider the claim of the petitioner for promoting him as Sub-Registrar Grade-II regularly in view of inclusion of his name at Sl.No.14 in the panel without reference to the subsequent event of issuing Charge Memo.No.S/ 193/ 2014-1 dated 13.01.2015 on par with his juniors with all consequential benefits since though the enquiry was completed and enquiry officer submitted his report in January 2018 no action is taken till date by declaring the action of the respondents in not concluding the disciplinary proceedings by taking action on the enquiry officers report and depriving the petitioners claim for elevation to the post of Sub-Registrar Grade-II on par with his juniors as contrary to the policy decision of the State and also to the judgment of the Honourable Apex Court and also arbitrary, vindictive, illegal and violation of Articles 14, 16 and 21 of the Constitution of India”.

Heard Mr.C.Srinivasa Baba, learned counsel for petitioner and the learned Government Pleader for Revenue.

It has been contended by the petitioner that he is working as Senior Assistant and he is fully eligible and qualified to be promoted to the post of Sub-Registrar Grade-II.

The grievance of the petitioner is that the respondents are not considering his case for promotion to the post of Sub-Registrar Grade-II on the ground that Charge Memo dated 13.01.2015 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 Sub-Registrar Grade-II 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 Sub-Registrar Grade-II 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 Sub-Registrar Grade-II 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

