

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.5662 OF 2019

ORDER

This writ petition is filed seeking the following relief:

“...to issue an appropriate writ, direction or order more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not considering the case of the petitioner for promotion to the post of Deputy Executive Engineer from the post of Municipal Assistant Engineer without reference to charge memo vide G.O.Rt.No.815, MA&UD (VIG-II) Department, dated 26-09-2018 highly illegal and unjustified with a direction to the respondents to promote the petitioner to the post of Deputy Executive Engineer from the post of Municipal Assistant Engineer without reference to charge memo *vide* G.O.Rt.No.815, MA&UD (VIG.II) Department, dated 26.09.2018 and pass such other or further order or orders as the 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 Deputy Executive Engineer, the respondents are not considering his case on the premise of pendency of charge memo dated 26.09.2018 and that the issue involved in this writ petition is squarely covered by order dated 23.01.2019 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 Deputy Executive Engineer.

Following the order dated 23.01.2019 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 Deputy Executive Engineer 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

19th March, 2019
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