

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.5010 of 2018

ORDER

This Writ Petition is filed seeking the following relief:

“to issue a writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent No.1 in not considering the case of the petitioner for promotion to the post of Naib Tahsildar and promoting his juniors as illegal, arbitrary, unjust and against to the principles of natural justice and consequently direct respondent No.1 to consider case of the petitioner for promotion as Naib Tahsildar with all consequential benefits as Naib Tahsildar on par with his juniors and pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

Heard Sri M.P.Kashyap, learned counsel appearing for the petitioner, and learned Government Pleader for Services-I appearing for the respondents.

It is the case of the petitioner that he is working as Girdawar, and that though he is eligible for promotion to the post of Naib Tahsildar, the respondents are not considering his case on the premise that ACB case is pending against him.

Learned counsel appearing for the petitioner contends that the State Government has taken a policy decision in G.O.Ms.No.66, General Administration (Services.C) Department, dated 30-01-1999, wherein it was directed that in

respect of the employees who are facing disciplinary proceedings and whose cases fall under the group referred in para 2 (iii) of the said GO, the promotion/appointment by transfer to the next higher post shall be deferred only when a charge of misconduct was framed by the competent authority and served on the delinquent officer concerned or a charge sheet has been filed against him in a criminal Court as the case may be. Learned counsel further contends that the State Government has taken a policy decision in G.O.Ms.No.257, dated 10.6.99, wherein it was directed to consider the cases of the employees against whom disciplinary proceedings are pending in accordance with the guidelines framed thereunder.

Learned Government Pleader appearing for respondents contends that case of the petitioner would be considered in terms of G.O.Ms.No.257, dated 10.6.1999 and that appropriate orders would be passed.

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 Naib Tahsildar.

Accordingly, the Writ Petition is disposed of, directing the respondents to consider the case of the petitioner for

promotion to the post of Naib Tahsildar strictly in terms of G.O.Ms.No.257, dated 10.6.1999 and also G.O.Ms.No.66, dated 30.01.1991 and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. No costs.

Miscellaneous petitions, pending, if any shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

22nd August, 2019
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