

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.4945 of 2018

ORDER:

This Writ Petition is filed seeking Writ of Mandamus declaring the action of the respondents in not considering the genuine case of the petitioner for promotion to the post of Naib Tahsildar while considering the number of juniors to the petitioner only on the ground that departmental proceedings initiated against the petitioner are pending, as illegal and arbitrary and sought consequential direction to direct the respondents to promote the petitioner to the post of Naib Tahsildar without reference to the pendency of disciplinary proceedings.

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

3. It is contended by the petitioner that he is working as Senior Assistant and is provisionally eligible to be qualified to the post of Naib Tahsildar. The grievance of the petitioner is that though he is very much eligible and qualified for promotion to the post of Naib Tahsildar, the respondents are not considering his case for promotion to the said post on the ground that he was suspended from service vide proceedings dated 15-10-2015 and further disciplinary proceedings are pending.

4. Learned counsel for the petitioner contended that the State Government has taken a policy decision in G.O.Ms.No.66 dated 30-01-1991 and G.O.Ms.No.257 dated 10-06-1999 wherein elaborate guidelines were framed by the State Government as to the consideration of the cases of employees against whom disciplinary action and criminal cases are pending and the appointing authority must consider the cases of such employees who are facing disciplinary/criminal action as to whether they are entitled for promotion in spite of disciplinary/criminal proceedings are pending against them. But in the instant case, the respondents have not considered the case of the petitioner for promotion to the post of Naib Tahsildar in terms of G.O.Ms.No.66 dated 30-01-1991 and G.O.Ms.No.257 dated 10-06-1999. Therefore, he contended that appropriate orders be passed directing the respondents to consider case of the petitioner for promotion to the post of Naib Tahsildar strictly in terms of the guidelines framed in the said G.Os.

5. Learned Government Pleader for Services-I submits that the case of the petitioner would be considered for promotion to the post of Naib Tahsildar strictly in terms of the G.O.Ms.No.66 dated 30-01-1991 and G.O.Ms.No.257 dated 10-06-1999 and appropriate orders would be passed.

6. Having regard to the rival submissions made by the parties, this Court is of the considered view that this Writ Petition can be disposed of by directing the respondents to consider the case

of the petitioner for promotion to the post of Naib Tahsildar strictly in terms of the G.O.Ms.No.66 dated 30-01-1991 and G.O.Ms.No.257 dated 10-06-1999 and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order.

7. With these observations, the Writ Petition is disposed of. No costs.

8. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Date: 14-03-2019
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