

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.6055 of 2019

ORDER:

This writ petition is filed seeking the following relief :-

“.... to issue an appropriate Writ, Order or Direction particularly one 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 of the Charge Memo vide GO Rt 1652 M A and UD (E2) Dept Dt 21.12.2009, GO Rt No 444 MA and UD (Vig-II) Dept dated 06.11.2015 and GO Rt No 438 MA and UD Vig II(1) Dept dated 25.07.2017 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 of the Charge memo vide GO Rt 1652 M A and UD E2 Dept Dt 21.12.2009, GO Rt No 444 MA and UD Vig II Dept dated 06.11.2015 and GO Rt No 438 MA and UD Vig II1 Dept dated 25.07.2017 in terms of GO Ms No 257 GAD ser.c Dept Dt 10.06.1999 and to promote the petitioner by following the analogy of orders passed in favor of other officers”.

Heard Mr.M.M.Ali, learned counsel for petitioner and the learned Government Pleader for Services-II.

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 memos dated dt.21.12.2009, 06.11.2015 and 25.07.2017 are 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 a period of eight 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: 25-03-2019
Prv



