

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.6500 of 2019

ORDER:

This writ petition is filed seeking the following relief :-

“to pass an order, direction or a writ particularly in the nature of Writ of Mandamus declaring that the inaction on part of the respondent No.3 in considering the case of the petitioner for ad hoc promotion to next cadre i.e., Senior Assistant pending departmental enquiry against him vide charge memo No.A7/ 4273/ 2009 dated 26.9.2012 subsequently numbered as G.O.Rt.No.247 Dated 12.4.2017 is highly illegal, arbitrary and in violation of G.O.Ms.No.257 dated 10.06.1999 Consequently this Hon'ble Court may be pleased to direct the respondent No.3 to consider the case of the petitioner for ad hoc promotion to next cadre i.e., Senior Assistant pending departmental enquiry against the petitioner vide charge memo No.A7/ 4273/ 2009 dated 26.09.2012 subsequently numbered as G.O.Rt.No.247, dated 12.4.2017 as per his latest representation dated 5.3.2019 immediately and forthwith....”.

Heard Mr.Mohd.Osman Shaheed, learned counsel for petitioner and the learned Government Pleader for Services-II.

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

The grievance of the petitioner is that the respondents are not considering his case for promotion to the post of Senior Assistant on the ground that Charge Memo dated 26.09.2012 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 Senior Assistant 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 Senior Assistant 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 Senior Assistant 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: 27-03-2019
Prv

