

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.6685 of 2019

ORDER:

This writ petition is filed seeking the following relief :-

“.... to issue appropriate writ or order or direction preferably one in the nature of Writ of Mandamus directing the respondents to consider case of the Petitioner for promotion to the post of Deputy Civil Surgeon for appropriate panel year i.e., 2017, without reference to the pendency of Criminal charges in Crime No 12/ RCT. CR 2/ 2015 is pending before the Criminal Court under Sec 7, 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988 dated 5.6.2015”.

Heard Mr.N.Guru Gopal, learned counsel for petitioner and the learned Government Pleader for Services-II.

It has been contended by the petitioner that he is working as Assistant Medical Officer and he is fully eligible and qualified to be promoted to the post of Deputy Civil Surgeon.

The grievance of the petitioner is that the respondents are not considering his case for promotion to the post of Deputy Civil Surgeon on the ground that criminal case 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 Deputy Civil Surgeon 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 Deputy Civil Surgeon 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 Deputy Civil Surgeon 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 SHAVILU, J

Date: 29-03-2019
Prv

