

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.6724 of 2019

ORDER:

This writ petition is filed seeking the following relief :-

“.... to issue Writ Order or Direction more particularly one in the nature of Writ of Mandamus by declaring the action of the respondents in not considering the claim of the petitioner for promotion to the post of Municipal Commissioner Grade-III without reference to the charge memos issued vide (1) G.O.Rt.No.229, MA and UD Department, dt.16.6.2015 (2) G.O.Rt.No.557, MA and UD Department dt.15.9.2017 and (3) G.O.Rt.No.714, MA and UD Dept., dt.18.11.2017 is illegal, arbitrary and violative of the principles of natural justice and consequently direct the respondents to promote the petitioner to the post of Municipal Commissioner Grade-III on par with juniors without reference to the charge memos issued vide (1) G.O.Rt.No.229 MA and UD Department dt.16.6.2015 (2) G.O.Rt.No.557, MA and UD Department dt.15.9.2017 and (3) G.O.Rt.No.714 MA and UD Deptt., dt.18.11.2017 in terms of Rule 5(2) (B) of the State and Subordinate Service Rules read with G.O.Ms.No.257 GAD dt.10.6.1999”.

Heard Mr.P.Raghavender Reddy, learned counsel for petitioner and the learned Government Pleader for Services-II.

It has been contended by the petitioner that he is fully eligible and qualified to be promoted to the post of Municipal Commissioner Grade-III.

The grievance of the petitioner is that the respondents are not considering his case for promotion to the post of Municipal Commissioner Grade-III on the ground that charge memos dated dt.16.06.2015, 15.09.2017 and 18.11.2017 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 Municipal Commissioner Grade-III 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 Municipal Commissioner Grade-III 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 Municipal Commissioner Grade-III 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

