

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.19418 of 2017

ORDER:

This writ petition is filed seeking the following relief :-

“.....to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in not considering the case of the Petitioner herein for promotion to the post of Superintendent in the existing available vacancies on par with the Juniors under the guise of the pendency of the ACB case, as illegal, arbitrary and opposed to the Service conditions of Law and for a consequential direction directing the Respondents to consider the case of the Petitioner herein for promotion to the post of Superintendent on par with his juniors in the existing available vacancies with all service benefits and to pass such other order or orders as this Hon'ble Court may deems fit and proper in the circumstances of the case”.

Heard Mr.A. Sreedhar, learned counsel for petitioner and the learned Government Pleader for respondents.

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

The grievance of the petitioner is that the respondents are not considering his case for promotion to the post of Superintendent on the ground that ACB 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 Superintendent 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 Superintendent 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 Superintendent 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 SHAVILI, J

Date: 12-07-2019
mar