HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.7225 of 2019

ORDER:

This Writ Petition is filed seeking Writ of Mandamus declaring the action of the respondents in not considering the genuine case of the petitioner for promotion to the post of AM (Tech) Gr-I while considering the number of juniors to the petitioner only on the ground that departmental proceedings initiated against the petitioner are pending, as illegal and arbitrary and sought consequential direction to direct the respondents to promote the petitioner to the post of AM (Tech) Gr-I without reference to the pendency of disciplinary proceedings.

2. Heard Sri S.Satyanarayana Rao, learned counsel for the petitioner and the learned Standing Counsel, appearing for the respondents.

3. It is contended by the petitioner that he is working as Technical Assistant Grade-I and is provisionally eligible to be qualified to the post of AM (Tech) Gr-I. The grievance of the petitioner is that though he is very much eligible and qualified for promotion to the post of AM (Tech) Gr-I, the respondents are not considering his case for promotion to the said post on the ground that the disciplinary proceedings in the form of charge memo dt.02-08-2015 are pending.

4. Learned counsel for the petitioner contended that the State Government has taken a policy decision in G.O.Ms.No.257 dt.10-06-1999 wherein elaborate guidelines were framed by the State Government as to the consideration of the cases of employees against whom disciplinary action and criminal cases are pending and the appointing authority must consider the cases of such employees who are facing disciplinary/criminal action as to whether they are entitled for promotion in spite of disciplinary/criminal proceedings are pending against them. But in the instant case, the respondents have not considered the case of the petitioner for promotion to the post of AM (Tech) Gr-I in terms of G.O.Ms.No.257 dt.10-06-1999. Therefore, he contended that appropriate orders be passed directing the respondents to consider case of the petitioner for promotion to the post of AM (Tech) Gr-I strictly in terms of the guidelines framed in the said G.O.

5. Learned Government Pleader for Services-II submits that the case of the petitioner would be considered for promotion to the post of AM (Tech) Gr-I strictly in terms of the G.O.Ms.No.257 dt.10-06-1999 and appropriate orders would be passed.

6. Having regard to the rival submissions made by the parties, this Court is of the considered view that this Writ Petition can be disposed of by directing the respondents to consider the case of the petitioner for promotion to the post of AM (Tech) Gr-I strictly in terms of the G.O.Ms.No.257 dt.10-06-1999 and pass appropriate

orders within a period of eight weeks from the date of receipt of a copy of this order.

7. With these observations, the Writ Petition is disposed of. No costs.

8. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Date: 13-03-2019
kvr

HIGH COURT FOR THE STATE OF TELANGANA
HYDERABAD