

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.7772 of 2019

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking the following relief:-

“..... to grant appropriate relief more in the nature of Writ of Mandamus under Article 226 of the Constitution of India declaring the GO. Rt. No.24 Municipal Administration & Urban Development (Vig.II) Dept. dated 17.01.2019 issued by the 1st respondent as arbitrary, illegal, malafide, indiscriminatory, void and without jurisdiction, violating Articles 14, 16 and 21 of the Constitution of India, and contrary to Rule 20 of TCS (CCA) Rules, 1991 and set aside the same and issue consequential directions, directing the respondents to consider the case of the petitioner for promotion to the post of Executive Engineer in the existing vacancies or alternatively direct the respondents to consider the case of the petitioner for promotion to the post of Executive Engineer against vacancies which are available for the panel year 2017-18 and 2018-19 as per the petitioner's seniority before giving any promotion to the petitioner's junior and pass”.

2. Heard Sri P.V.Krishnaiah, Counsel for the petitioner and the Government Pleader for Services-I for the respondents.

3. It has been contended by the petitioner that he is working as Deputy Executive Engineer (PH) in Jangaon Municipality and he is fully eligible and qualified to be promoted to the post of Executive Engineer.

4. The grievance of the petitioner is that the respondents are not considering his case for promotion to the post of Executive Engineer on the ground that charge memo, dated 17.01.2019, is pending against him.

5. Counsel for the petitioner contended that the State Government has framed guidelines in G.O.Ms.No.257, G.A. (Ser.C)

Dept., 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, G.A. (Ser.C) Dept., 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 Executive Engineer in terms of G.O.Ms.No.257, G.A. (Ser.C) Dept., dated 10.06.1999. Therefore, counsel for the petitioner contends that appropriate orders be passed directing the respondents to consider the case of petitioner for promotion to the post of Executive Engineer in terms of G.O.Ms.No.257, G.A. (Ser.C) Dept., dated 10.06.1999, and pass appropriate orders.

6. The Government Pleader appearing for respondents has contended that the case of the petitioner will be considered in terms of G.O.Ms.No.257, G.A. (Ser.C) Dept., dated 10.06.1999, and appropriate orders would be passed.

7. 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 Executive Engineer in terms of G.O.Ms.No.257, G.A. (Ser.C) Dept., dated 10.06.1999, and pass appropriate orders within a period of eight (08) weeks from the date of receipt of a copy of this order. In respect of the other issues,

which are raised in the writ petition, it is left open to the petitioner to challenge in an appropriate Forum.

8. With the above observations, the Writ Petition is disposed of. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 12th April, 2019

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