

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P(TR).No.6134 of 2017

ORDER:

This Writ Petition is filed for the following relief:

“.....to declare that the applicant is entitled for promotion to the post of Civil Head Constable (Women) with effect from the date on which the others who have completed the 3 months pre-promotional training was promoted to the said post with all consequential benefits by holding the action of the respondents in not including the name of the applicant in the promotional order vide C.No.A2/147/4097/2014-15, D.O.No.1888/2016, dated 24-6-2016 issued by the 1st respondent while including all other P.Cs., who have completed the 3 months pre-promotional training along with the applicant even though the applicant passed the said training and no disciplinary proceedings are pending against her is as illegal, arbitrary, unjust.....”

2. Heard the learned counsel for the petitioner and the learned Government Pleader for Services-II appearing for respondents.

3. It is contended by the petitioner that she is working as Women Police Constable and is provisionally eligible to be promoted as Women Head Constable (Civil). The grievance of the petitioner is that though she is very much eligible and qualified to be promoted as Women Head Constable (Civil), the respondents are not considering her case for promotion to the said post on the ground that two criminal cases i.e., Cr.No.2/2008 u/s.498(A) & 494 IPS of WPS and Cr.No.248/2007 u/s/494, 506 IPC are pending against her.

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 Women Head Constable (Civil) 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 the case of the petitioner for promotion to the post of Women Head Constable (Civil) 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 Women Head Constable (Civil) 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 Women Head Constable (Civil) 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: 18-06-2019
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