

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.6890 of 2018

ORDER:

With the consent of both the parties, the writ petition is disposed of at the admission stage.

This writ petition is filed seeking the following relief :-

“..... to issue Writ of Mandamus declaring the action of the first respondent in not considering the case of the petitioner for promotion to the post of Administrative Officer on the ground of pendency of criminal case in CC.No.9 of 2016 on the file of the I Additional Special Judge for SPE & ACB cases, City Civil Court, Hyderabad and charge memo issued in memo No.5400/V3/2007-3 dated 28.07.2009 as illegal, arbitrary and contrary to the judgments of the Hon'ble Supreme Court and consequentially direct the first respondent to consider the case of the petitioner for promotion to the post of Administrative Officer without reference to the charge memo issued in memo No.5400/V3/2007-3 dated 28.07.2009 and criminal case being CC.No.9 of 2016 pending on the file of the I Additional Special Judge for SPE & ACB cases, City Civil Court, Hyderabad and pass such other.....”

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

It has been contended by the petitioner that he is working as Senior Assistant at R.T.A, Khairatabad and is fully eligible and qualified to be promoted to the post of Administrative Officer.

The grievance of the petitioner is that the respondents are not considering his case for promotion to the post of Administrative Officer on the ground that Criminal Case in

CC.No.9 of 2016 on the file of the I Additional Special Judge for SPE & ACB cases, City Civil Court, Hyderabad filed against him is pending.

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 Administrative Officer 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 the petitioner for promotion to the post of Administrative Officer 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 the petitioner for promotion to the post of Administrative Officer 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: 19-07-2019
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