

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.9930 of 2019

ORDER:

This writ petition is filed seeking the following relief :-

“.... to issue a Writ of Mandamus declare the impugned action of the respondents in denying petitioner's promotion as Superintendent while continuing to be promoting many number of his juniors on the ground that pendency of Criminal Cases related to the year 2006 despite the fact that though charge sheet has been filed on 24.09.2007 in C.C.No.59/ 2007, which is illegal, arbitrary, discriminatory and breach of the instructions issued in G.O.Ms.No.257 dt.10.06.1999 and consequently direct the respondents to consider the petitioner's claim for promotion as Superintendent in any one of the existing vacancies before promoting any of his further juniors in terms of G.O.Ms.No.257 dt.10.06.1999 without reference to the pendency of Criminal case ....”.

Heard Mr.M.Ramgopal Rao, learned counsel for petitioner and the learned Government Pleader for Animal Husbandry.

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 C.C.No.59 of 2007, dated 24.09.2007, is pending against him.

Learned counsel appearing for the petitioner has 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.

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ABHINAND KUMAR SHAVIL, J

Date: 01-05-2019  
Prv

