

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.10698 of 2019

ORDER:

This writ petition is filed seeking the following relief :-

“.... to issue an order or orders more particularly one in the Nature of Writ of Mandamus to declare the action of the respondents in not considering the case of the petitioner for promotion to the post of Deputy Director of Tribal Welfare on the sole ground that the disciplinary proceedings are pending against the petitioner vide Charge Memo in Rc.No.K1/ 139/ 2015 dated 16.01.2015 of the 3rd respondent (Allegations pertaining to the year 2009) as void, illegal and discriminatory and set aside the same and consequently direct the respondents to consider the case of the petitioner for promotion to the post of Deputy Director of Tribal Welfare without reference to pendency of disciplinary proceedings vide Charge Memo in Rc.No.K1/ 139/ 2015 dated 16.01.2015 of the 3rd respondent (Allegations pertaining to the year 2009)”.

Heard Mr.M.Bharat Shah, learned counsel for petitioner and the learned Government Pleader for Services-II.

It has been contended by the petitioner that he is working as Assistant Project Officer and he is fully eligible and qualified to be promoted to the post of Deputy Director of Tribal Welfare.

The grievance of the petitioner is that the respondents are not considering his case for promotion to the post of Deputy Director of Tribal Welfare on the ground that charge memo dated dt.16.01.2015 is pending against him.

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 Deputy Director of Tribal Welfare in terms of G.O.Ms.No.257 dated 10.06.1999. Therefore, appropriate orders be passed in the writ petition directing the respondents to consider the case of the petitioner for promotion to the post of Deputy Director of Tribal Welfare 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 Deputy Director of Tribal Welfare 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 SHAVIL, J

Date: 04-06-2019
Prv

