

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.10802 of 2019

ORDER:

This Writ Petition is filed for the following relief:

“.....Writ of Mandamus by declaring the action of the respondents in not considering the claim of the petitioner promotion to the post of Municipal Commissioner Grade-III without reference to the charge memos i.e., (1) GORt.No.436, MA and UD Department, dt.15.6.2018 (2) GORt.No.481, MA & UD Department, dt.21.6.2018 and (3) Proc.Roc.No.40136/2018/13, dt.24.7.2018 is illegal, arbitrary and violative of the principles of natural justice and consequently direct the respondents to promote the petitioner to the post of Municipal Commissioner Grade-III without reference to the three charge memos issued (1) GORt.No.436, MA and UD Department, dt.15.6.2018 (2) GORt.No.481, MA & UD Department, dt.21.6.2018 and (3) Proc.Roc.No.40136/2018/13, dt.24.7.2018 in terms of Rule 5(2) (B) of the State & Subordinate Service Rules dt.10.6.1999 and pass such.....”

Heard Sri G.Ramana Goud, learned counsel for the petitioner and the learned Government Pleader appearing for respondents.

It is contended by the petitioner that he previously worked as Revenue Officer and at present working as incharge Municipal Commissioner, Kagaznagar Municipality on the pay of Revenue Officer and is provisionally eligible to be promoted to the post of Municipal Commissioner Grade-III. The grievance of the petitioner is that though he is very much eligible and qualified for promotion to the post of Municipal Commissioner

Grade-III, the respondents are not considering his case for promotion to the said post on the ground that the disciplinary proceedings are pending.

Learned counsel for the petitioner contended that the State Government has taken a policy decision in G.O.Ms.No.257, dated 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 pending against them. But in the instant case, the respondents have not considered the case of the petitioner for promotion to the post of Deputy Range Officer in terms of G.O.Ms.No.257, dated 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 Deputy Range Officer strictly in terms of the guidelines framed in the said G.O.

Learned Government Pleader submits that the case of the petitioner would be considered for promotion to the post of Municipal Commissioner Grade-III strictly in terms of the G.O.Ms.No.257, dated 10.06.1999, and appropriate orders would be passed.

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 Deputy Range Officer strictly in terms of the 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 these observations, the Writ Petition is disposed of.
No costs.

As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

06.06.2019
dv

