

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.10755 of 2019

ORDER:

This writ petition is filed seeking the following relief :-

“..... to issue a writ, order or direction more particularly in the nature of writ of Mandamus declaring the action of the Respondents in not considering the case of the petitioner for promotion to the post of Prohibition and Excise Circle Inspector on the ground of pendency of a Criminal Case is illegal, arbitrary and unconstitutional being violative of Articles 14 and 16 of Constitution of India and consequently direct the Respondents to consider the case of the petitioner for promotion to the post of Prohibition and Excise Circle Inspector as per his seniority without reference to C.C.No.89 of 2015 on the file of Honourable Court of First Additional Special Judge for SPE and ACB cases at Hyderabad, Hyderabad District, in terms of G.O.Ms.No.257 General Administration (Ser-C) Department dated 10.06.1999 and consequently direct the Respondents to Promote him as Prohibition and Excise Circle Inspector with all consequential benefits”.

Heard Mr.S.Syam Sunder Rao, learned counsel for petitioner and the learned Government Pleader for Prohibition and Excise.

It has been contended by the petitioner that he is working as Prohibition and Excise Sub-Inspector and he is fully eligible and qualified to be promoted to the post of Prohibition and Excise Circle Inspector.

The grievance of the petitioner is that the respondents are not considering his case for promotion to the post of Prohibition and Excise Circle Inspector on the ground that criminal case 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 Prohibition and Excise Circle Inspector 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 Prohibition and Excise Circle Inspector 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 Prohibition and Excise Circle Inspector 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

