

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.11125 of 2019

ORDER:

With the consent of both the counsel, this writ petition is being disposed of at the stage of admission.

This writ petition is filed seeking the following relief :-

“..... to issue a writ more in the nature of Writ of Mandamus or any other writ order or direction to direct the Respondents to accord notional seniority to the petitioner in the cadre of Hostel Welfare Officer Grade-I with effect from 07.10.2016 in view of dropping of the charges against him vide Proceedings Rc.No.81/ 115/ 2016, dated 20.12.2016 as per the orders of the Government in G.O.Ms.No.424, General Administration (Ser-C) Dept., dated 25.05.1976 from the date of his immediate junior promoting as Hostel Welfare Officer Grade-I i.e. 07.10.2016 by passing orders on the representation of the petitioner dated 21.11.2017 .....”.

Heard Sri R.Rajasekhara Rao, learned counsel for the petitioner and the learned Government Pleader for Services-II.

It has been contended by the petitioner that he is working as Hostel Welfare Officer Grade-I. While the petitioner was working as Hostel Welfare Officer Grade-II, the respondents have issued Charge Memo on 16.09.2016 and conducted regular enquiry against the petitioner.

The grievance of the petitioner is that when his juniors were promoted on 07.10.2016, the case of the petitioner could not be considered for promotion as Hostel Welfare Officer Grade-I on the ground that charge memo was pending against the petitioner.

After conducting detailed enquiry, the respondents have issued proceedings dated 20.12.2016 dropping disciplinary action against the petitioner. The petitioner submits that since the disciplinary proceedings initiated against him have been dropped, he is entitled for notional fixation of his seniority on par with his juniors with effect from 07.10.2016 and his case has to be considered for promotion on par with his juniors. The petitioner has submitted a representation to the respondents on 21.11.2017 requesting to grant notional seniority and notional promotion on par with his juniors i.e., from 07.10.2016. But, so far, the respondents have not passed any orders on the said representation nor considered his case for grant of notional seniority and notional promotion.

Learned counsel for petitioner contended that appropriate orders be passed in the writ petition directing the respondents to consider the representation submitted by the petitioner on 21.11.2017 and pass appropriate orders in accordance with law.

Learned Government Pleader appearing for respondents has contended that the case of the petitioner will be considered and appropriate orders would be passed on the representation submitted by the petitioner in accordance with law.

This Court, having considered the rival submissions of the learned counsel for the respective parties, is of the considered view that this writ petition can be disposed of directing the respondents to consider the representation dated 21.11.2017 and pass

appropriate orders in accordance with law within a period of six 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.

As a sequel, miscellaneous petitions pending, if any, in this writ petition shall stand closed.

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JUSTICE ABHINAND KUMAR SHAVILI

10.06.2019  
Prv



