

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.11187 of 2019

ORDER:

This writ petition is filed seeking the following relief :-

“.... to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus to declare the entire action of the respondents, particularly the entire action of the respondents 1 and 2 in not considering the case of the petitioner for promotion to the post of Senior Assistant, even though the petitioner herein is fully eligible, qualified and within the zone of consideration on the untenable ground that disciplinary proceedings initiated vide charge memo Rc.No.A1/311/2012-1, dated 1.12.2012 of the 1st respondent for the issue pertains to for the year 2010-2011 is pending is as highly, illegal, arbitrary, unjust, improper, colorable exercise of power, violative of all principles of natural justice including contrary to various judicial pronouncements and instruction issued by the Govt. from time to time in the subject matter and consequently to direct the respondents to forthwith consider the case of the petitioner for promotion to the post of Senior Assistant in the existing vacancies while considering the cases of others without reference to pendency of the disciplinary proceedings initiated vide Charge Memo Rc.No.A1/311/2012-1 dated 1.12.2012 of the 1st respondent”.

Heard Mr.S.Satyanarayana Rao, learned counsel for petitioner and the learned Government Pleader for Social Welfare.

It has been contended by the petitioner that he is working as Junior Assistant and he is fully eligible and qualified to be promoted to the post of Senior Assistant.

The grievance of the petitioner is that the respondents are not considering his case for promotion to the post of Senior Assistant on the ground that charge memo dated dt.01.12.2012 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 Senior Assistant 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 Senior Assistant 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 Senior Assistant 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: 10-06-2019
Prv

