

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.11702 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 action of the respondents in not considering the case of the petitioner for promotion to the post of Regional Transport Officer on the ground of pendency of disciplinary/ACB case and inordinate delay in concluding the disciplinary proceedings as illegal, arbitrary, discriminatory and violative of Articles 14 and 16 of the Constitution of India and consequently direct the respondents to promote the petitioner to the post of Regional Transport Officer as per his seniority, without reference to the disciplinary/ACB proceedings pending against him and to pass any such order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Heard Sri P.Amarender, learned counsel appearing for the petitioner and the learned Government Pleader for Services-II appearing for respondents.

It is the case of the petitioner that initially, he was appointed as Junior Assistant on 28.05.1992. Later, he was promoted as Senior Assistant in the year 1997 and further promoted as Administrative Officer on 22.01.2010 and

working as such. Though he is fully eligible and qualified to be promoted to the post of Regional Transport Officer, the respondents are not considering his case for promotion on the premise of pendency of disciplinary proceedings against him.

Learned counsel appearing for the petitioner submits that the State Government has taken a policy decision in G.O.Ms.No.257 dt.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; that 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 are pending against them; that the respondents have not considered the case of the petitioner for promotion to the post of Regional Transport Officer in terms of G.O.Ms.No.257 dt.10-06-1999; and that appropriate orders be passed directing the respondents to consider the case of the petitioner for promotion to the post of Regional Transport Officer strictly in terms of the guidelines framed in the said G.O.

Learned Government Pleader appearing for the respondents submits that the case of the petitioner would be considered for promotion to the post of Regional Transport Officer strictly in terms of the G.O.Ms.No.257 dt.10-06-1999 and appropriate orders would be passed.

Having regard to the rival submissions made by the learned counsel on either side, this Writ Petition is disposed of directing the respondents to consider the case of the petitioner for promotion to the post of Regional Transport Officer strictly in terms of the G.O.Ms.No.257 dt.10-06-1999 and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

13th June, 2019
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