

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.11685 of 2019

ORDER

This Writ Petition is filed seeking the following relief:

“to issue an appropriate writ, order or direction particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not considering the claim of the petitioner for promotion as Manager without taking into consideration of the Charge Memo vide G.O.Rt.No.48 MA and UD (L2) Dept, dated 10-01-2014 and to promote the petitioner as per the DPC constituted by the respondents as illegal, arbitrary, unconstitutional, contrary to law and consequently direct the respondents to consider the claim of the petitioner for promotion on par with the juniors as Manager from the post of Senior Assistant without taking into consideration the Charge Memo vide G.O.Rt.No.48 MA and UD (L2) Dept, dated 10-01-2014 in terms of G.O.Ms.No.257 (GAD (Ser.C) Department, dt 10-06-1999 and to promote the petitioner by following the analogy of orders passed in favour of other officers by this Honorable Court and pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of the case.”

Heard Sri M.M.Ali, 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 Bill Collector on 17.02.1992. Later, he was promoted as Senior Assistant in the year 2009 and working as such. Though he is fully eligible and qualified to be promoted to the post of Manager, 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, 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; 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 Manager in terms of G.O.Ms.No.257, dated 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 Manager 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 Manager 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 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 Manager 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. No costs.

Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

13th June, 2019
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