

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.6777 of 2017

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 impugned action of the respondents in not considering the case of the petitioner for promotion, appointment and posting as Tahsildar along with others and further deferring his case for promotion as Tahsildar as illegal, arbitrary and contrary to law laid down by the Hon’ble Apex Court in catena of decisions and consequently direct the respondents to consider to promote, appoint and issue posting to the petitioner as Tahsildar along with others whose names have been approved vide proceedings dated 13/02/2017 of the 2nd respondent without reference to pendency of criminal proceedings in C.C.No.3/15 and to grant such other relief or reliefs as this Hon’ble Court deems fit and proper in the circumstances of the case.”

Heard Sri R.Satya Babu, learned counsel appearing for the petitioner, and learned Government Pleader for Services-I appearing for the respondents.

It is the case of the petitioner that he is working as Deputy Tahsildar (Inquest), and that though he is eligible for promotion to the post of Tahsildar, the respondents are not considering his case on the premise that C.C.No.3 of 2015 is pending against him.

Learned counsel appearing for the petitioner contended that the State Government has framed guidelines in G.O.Ms.No.257, dated 10.6.1999 to consider the cases of employees for promotion against whom disciplinary proceedings/criminal proceedings are pending. As per G.O.Ms.No.257, dated 10.6.1999, 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 Tahsildar in terms of G.O.Ms.No.257, dated 10.6.1999. 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 Tahsildar in terms of G.O.Ms.No.257, dated 10.6.1999.

Learned Government Pleader appearing for respondents contends that case of the petitioner would be considered in

terms of G.O.Ms.No.257, dated 10.6.1999 and that appropriate orders would be passed.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the view that ends of justice would be met if a direction is given to the respondents to consider the case of the petitioner for promotion to the post of Tahsildar.

Accordingly, the Writ Petition is disposed of, directing the respondents to consider the case of the petitioner for promotion to the post of Tahsildar strictly in terms of G.O.Ms.No.257, dated 10.6.1999 and pass appropriate orders within a period of four 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

Date:11.11.2019

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