

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.12831 OF 2019

ORDER

With the consent of learned counsel on either side, this writ petition is disposed of at the admission stage.

This writ petition is filed seeking the following relief:

“to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declare the action of the respondents in not promoting the petitioner to the post of Deputy Executive Engineer w.e.f 18-08-2012 retrospectively i.e., from the date of his Junior's promotion, on complete exoneration from the charges (dated 05-11-2007) *vide* G.O.Rt.No.60, Irrigation and CAD Vig-II (I) Department, dated 25-7-2014 in terms of G.O.Ms.No.424, General Administration (Ser-C) Department, dated 25-05-1976 and the Cir.Memo.No.15813/Ser-C/2007, GA (Ser-C) Department, dated 11-9-2007, as illegal, arbitrary and discrimination, consequently direct the respondents to consider the candidature of the petitioner for notional promotion to the post of Deputy Executive Engineer from the date of his junior's promotion w.e.f 18-8-2012 with all consequential benefits and fix up his pension in the category of Deputy Executive Engineer in terms of G.O.Ms.No.424 GA (Ser.C) Department, dated 25-5-1976 and pass such other order or orders may deem fit and proper in the circumstances of the case.”

Heard Sri K.Ramalingeswara Rao, learned counsel appearing for the petitioner and learned Government Pleader for Services-II appearing for the respondents.

It is the case of the petitioner that he had retired from service as Assistant Engineer on 30-11-2012. While he was working as Assistant Engineer, the respondents have issued a charge memo on 05.11.2007. Under the guise of the said charge memo, the respondents without considering the case of the petitioner for promotion to the post of Deputy Executive Engineer, promoted his junior on 18.08.2012. When the petitioner was about to retire from service, disciplinary proceedings pending against him were concluded with exoneration *vide* proceedings dated 25.07.2014.

The grievance of the petitioner is that though the charges levelled against him were dropped with exoneration, his case was not considered for promotion to the post of Deputy Executive Engineer. Hence, he submitted a representation to the respondents on 30-10-2017. Neither the respondents have passed any orders nor considered his case for promotion to the post of Deputy Executive Engineer on par with his junior.

Learned counsel appearing for the petitioner submits that appropriate orders be passed directing the respondents to consider the representation dated 30-10-2017 of the petitioner for promotion to the post of Deputy Executive Engineer on

par with his junior by duly taking into consideration the fact of dropping of the charges against the petitioner.

Learned Government Pleader appearing for the respondents submits that the case of the petitioner would be considered and appropriate orders would be passed on the representation submitted by the petitioner.

Having considered the rival submissions made by the learned counsel on either side, this Writ Petition is disposed of directing the respondents to consider the representation submitted by the petitioner on 30-10-2017 and pass appropriate orders thereon by duly taking into consideration the fact of exoneration of the disciplinary proceedings *vide* G.O.Ms.No.60, dated 25.7.2014, within a period of eight weeks from the date of receipt of a copy of this order, in accordance with law. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

26th June, 2019
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