

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.13106 of 2019

ORDER

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 declaring the continuance of proceedings in Charge Sheet in Memo No 117/V3/V2/2016-1 dated 15.05.2019 issued by respondent No.2, is arbitrary illegal and violative of Articles 14 and 21 of the Constitution of India, thereby quashing the same direct the petitioner's promotion for the post of the Regional Transport Officer with all consequential and attendant benefits with effect from the date of his junior's promotion and pass such other order or orders in the circumstances of the case.”

Heard Sri P.B.Vijaya Kumar, learned counsel for the petitioner and the learned Government Pleader for Transport appearing for the respondents.

It is the case of the petitioner that he is working as Motor Vehicle Inspector, Sircilla, Rajanna Sircilla District and that though he is eligible for promotion to the post of Regional Transport Officer, the respondents are not considering his case on the premise that charge memo dated 15.05.2019 is pending against him.

Learned counsel appearing for the petitioner contends that the State Government has taken a policy decision in terms of G.O.Ms.No.66, General Administration (Services.C) Department, dated 30-1-1999, wherein it was directed that in

respect of the employees who are facing disciplinary proceedings and whose cases fall under the group referred in para 2 (iii) of the said GO, the promotion/appointment by transfer to the next higher post shall be deferred only when a charge of misconduct was framed by the competent authority and served on the delinquent officer concerned or a charge sheet has been filed against him in a criminal Court as the case may be. Learned counsel further contends that the State Government has taken a policy decision in G.O.Ms.No.257, dated 10.6.99, wherein it was directed to consider the case of the employees against whom disciplinary proceedings are pending in accordance with the guidelines framed thereunder.

Learned Government Pleader appearing for the 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 by the appointing authority.

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 Regional Transport Officer.

Accordingly, the 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 G.O.Ms.No.257, dated 10.6.1999 and also G.O.No.66, dated 31.01.1991 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

3rd July, 2019
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