

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.13909 of 2019

ORDER:

This writ petition is filed seeking the following relief :-

“.... to issue any writ, order or direction more particularly one in the nature of Writ of Mandamus by declaring the action of the respondents in not concluding the disciplinary proceedings under charge memos dt.30.12.2010 and 19.11.2011 till date contrary to the G.O.Ms.257 dt.10.06.1999 as illegal, arbitrary and unconstitutional and consequently direct the respondents to consider the case of the petitioner for promotion to the post of Regional Transport Officer without reference to the pending charge memos dt.30.12.2010 and 19.11.2011 in the forthcoming DPC in accordance with G.O.Ms.No.257 dt.10.06.1999”.

Heard the learned counsel for petitioner and the learned Government Pleader for respondents.

It has been contended by the petitioner that he is working as Motor Vehicle Inspector and he is fully eligible and qualified to be promoted to the post of Regional Transport Officer.

The grievance of the petitioner is that the respondents are not considering his case for promotion to the post of Regional Transport Officer on the ground that charge memos dated dt.30.12.2010 and 19.11.2011 are pending against him.

Learned counsel for petitioner contended that the State Government has framed guidelines in G.O.Ms.No.257 dated 10.06.1999 to consider the cases of employees for promotion against whom disciplinary proceedings/criminal proceedings are pending. As per G.O.Ms.No.257 dated 10.06.1999, 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 Regional Transport Officer in terms of G.O.Ms.No.257 dated 10.06.1999. Therefore, learned counsel for petitioner contends that appropriate orders be passed directing the respondents to consider the case of petitioner for promotion to the post of Regional Transport Officer in terms of G.O.Ms.No.257 dated 10.06.1999 and pass appropriate orders.

Learned Government Pleader appearing for respondents has contended that the case of the petitioner will be considered in terms of G.O.Ms.No.257 dated 10.06.1999 and appropriate orders would be passed.

This Court, having considered the rival submissions, is of the considered view that the writ petition can be disposed of directing the respondents to consider the case of petitioner for promotion to the post of Regional Transport Officer in terms of 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.

With the above observations, the writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

Date: 09-07-2019
Prv

