

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.14401 of 2019

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 by declaring the entire action of the respondents in not considering the genuine case of the petitioner for promotion to the post of Dy. Director of Agriculture in the existing vacancies while considering the cases of juniors on the ground that the petitioner herein facing departmental proceedings initiated vide Charge Memo in Progs.No.Vig.1(4) 86/ 2012 dated 1/ 3/ 2012 of the 2nd respondent R/ w criminal case in C.C.No.3/ 2018 on the file of the Honourable Spl Judge for SPE and ACB cases at Karimnagar is as illegal, arbitrary, unjust, contrary to various judicial pronouncements in the subject matter including contrary to instructions issued vide G.O.Ms.No.257 dt.10/ 6/ 1999, if necessary set aside the very charge memo on the ground of delay/ latches and consequently to direct the respondents to consider the case of the petitioner for promotion to the post of Dy. Director of Agriculture in the existing vacancies while considering the names of his juniors without reference to the Charge Memo in Progs.No.Vig.1(4)86/ 2012, dated 1/ 3/ 2012 of the 2nd respondent R/ w criminal case in C.C.No.3/ 2018 on the file of the Hon'ble Spl Judge for SPE and ACB cases at Karimnagar”.

Heard Mr.S.Satyanarayana Rao, learned counsel for petitioner and the learned Government Pleader for respondents.

It has been contended by the petitioner that he is working as Assistant Director of Agriculture and he is fully eligible and qualified to be promoted to the post of Deputy Director of Agriculture.

The grievance of the petitioner is that the respondents are not considering his case for promotion to the post of Deputy Director of Agriculture on the ground that charge memo dated 01.03.2012 is 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 Deputy Director of Agriculture 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 Deputy Director of Agriculture 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 Deputy Director of Agriculture 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: 15-07-2019
Prv

