

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.14768 of 2019

ORDER:

This writ petition is filed seeking the following relief :-

“..... to issue Writ of Mandamus or any other appropriate writ (i) declaring the action of the Respondents in not considering the case of the Petitioner for promotion to the post of Regional Transport Officer without reference (a) charge memo No.4854/V3/2010 dated 24.09.2011 of the 2nd Respondent; (b) Lr.No.4497/Tr.(S&V)/2/2016 dated 29.09.2016 of 1st Respondent; and (c) FIR No.01/ACB-WKH/2017 dated 03.02.2017 on the file of Court of Hon'ble I Additional Special Judge for SPE & ACB Cases at Hyderabad in terms of G.O.Ms.No.257, General Administration (Ser.C) Department dated 10.06.1999 as illegal and arbitrary; and consequently direct the respondents to consider the case of the Petitioner for promotion to the post of Regional Transport Officer in terms of G.O.Ms.No.257 General Administration (Ser.C) Department dated 10.06.1999 in pursuance of Memo No.113/C3/2019 dated 04.06.2019 issued by the 2nd respondent without reference to the disciplinary proceedings i.e. (a) charge memo No.4854/V3/2010 dated 24.09.2011 of the 2nd Respondent; (b) Lr.No.4497/Tr.(S & V)/2/2016 dated 29.09.2016 of 1st Respondent; and (c) FIR No.01/ACB-WKH/2017 dated 03.02.2017 on the file of Court of Hon'ble I Addl.Special Judge for SPE & ACB Cases at Hyderabad as per G.O.Ms.No.257 General Administration (Ser.C) Department dated 10.06.1999; (iii) pass such other order.....”

Heard learned counsel for petitioner and the learned Government Pleader for Services-II.

It has been contended by the petitioner that he is working as Motor Vehicle Inspector and 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 disciplinary proceedings initiated against him on 24.09.2011 and FIR.No.1/ACB-WKM/17 dated 03.02.2017 are pending.

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 SHAVILI, J

Date: 18-07-2019
dv

