HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.14920 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 action of the respondents in initiating enquiry by issuing the Charge Memo dated 24.06.2016 *vide* G.O.Rt.No.443 without furnishing the relevant documents on which the charges are framed and not finalizing the enquiry till date though three years lapsed as illegal, arbitrary, unconstitutional, contrary to the order passed by the Hon'ble Upa-Loka-Yuktha dated 31.03.2015, contrary to the ratio laid down by the Hon'ble Supreme Court, contrary to the provisions of the A.P.Civil Services (Classification, Control & Appeal) Rules, 1991 and violative of Articles 14, 16 and 21 of the Constitution of India and consequently set aside the same on the ground of abnormal delay with all consequential benefits and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."**

Heard Sri G.Tuhin Kumar, learned counsel appearing for the petitioner, learned Government Pleader for Municipal Administration & Urban Development appearing for respondent Nos.1 and 2 and Sri N.Praveen Kumar, learned Standing Counsel appearing for respondent No.3.

It is the case of the petitioner that he is working as Commissioner Grade-III, Estate Officer, Charminar Circle, and that though he is eligible for promotion to the post of Commissioner Grade-II, the respondents are not considering

his case on the premise that charge memo dated 24.06.2016 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 respondents 1 and 2 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.

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 Commissioner Grade-II.

Accordingly, the Writ Petition is disposed of, directing the respondents to consider the case of the petitioner for promotion to the post of Commissioner Grade-II 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

19th August, 2019
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