

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.12891 OF 2018

ORDER

This writ petition is filed seeking the following relief:

“to issue a writ, order or direction more particularly one in the nature of a Writ of Mandamus declaring the action of respondents 1 to 3 in issuing the impugned G.O.Rt. No.142, Revenue (Commercial Taxes I) Department, dated 22.03.2018 approving the panel of Deputy Commissioners of Commercial Taxes i.e., respondents 4 to 6 fit for promotion to the post of Joint Commissioner of Commercial Taxes for the panel year 2017-2018 as arbitrary, illegal, injustice and against the Rule 6(b) of A.P. State and Subordinate Service Rules, 1996 and contrary to orders issued in G.O.Ms.No.337 GAD (Ser.B) Dept, dated 18.06.1983 and set aside the same and pass such other order or orders as this Hon'ble Court may deem fit and proper.”

Heard Sri G.Raman Goud, learned counsel appearing for the petitioner and learned Government Pleader for Services-II appearing for respondent Nos.1 to 3.

It is the case of the petitioner that he is working as Deputy Commissioner and he is eligible to be promoted to the post of Joint Commissioner. But the official respondents are not considering his case for promotion.

Learned counsel appearing for the petitioner submits that though the petitioner is eligible for promotion, the official respondents ignored his case, considered the cases of three other individuals, who are juniors to him; that the State

Government has taken a policy decision *vide* G.O.Ms.No.257, G.A. (Ser.C) Department, dated 10-06-1999, whereunder certain guidelines were issued for considering the cases of the employees against whom criminal cases and disciplinary proceedings are pending; that the official respondents are not considering the case of the petitioner on the ground that disciplinary proceedings are pending against him; and that appropriate orders be passed directing the official respondents to consider the case of the petitioner for promotion to the post of Joint Commissioner in terms of G.O.Ms.No.257, dated 10.06.1999.

Learned Government Pleader appearing for the official respondents submits that the case of the petitioner would be considered in terms of G.O.Ms.No.257, dated 10-06-1999 and appropriate orders would be passed.

Having considered the rival submissions made by the learned counsel on either side, this Writ Petition is disposed of directing the respondents to consider the case of the petitioner for promotion to the post of Joint Commissioner 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. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

8th March, 2019
rkk

