

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.15459 of 2019

ORDER:

This Writ Petition is filed for the following relief:

“.....Writ of Mandamus declaring that the action on part of the Respondents in initiating the departmental proceedings vide Memorandum C.No.215/02/2010 dated 3-5-2011 of the 2nd respondent and continuing the same resulting into the denial of promotion of the petitioner as Additional Superintendent of Police despite the petitioner is in the consideration for promotion as Additional Superintendent of Police as illegal, arbitrary, discriminatory and contrary to rules and consequently direct the Respondents to consider the claim of the petitioner for promotion as Additional Superintendent of Police without reference to the Disciplinary Proceedings initiated vide Memorandum C.No.215/02/2010 dated 3-5-2011 of the 2nd Respondent and to pass such other

Heard Sri Ch.Venkat Raman, learned counsel for the petitioner and the learned Government Pleader appearing for respondents.

It is contended by the petitioner that he is working as Deputy Superintendent of Police at Railways, Secunderabad Urban and is fully eligible to be promoted to the post of Additional Superintendent of Police. The grievance of the petitioner is that though he is very much eligible and qualified for promotion to the post of Additional Superintendent of Police, the respondents are not considering his case for promotion to the said post on the ground that the disciplinary proceedings

initiated against the him vide Charge Memo dated 03.05.2011 are pending.

Learned counsel for the petitioner contended that the State Government has taken a policy decision in G.O.Ms.No.257, dated 10.06.1999, wherein elaborate guidelines were framed by the State Government as to the consideration of the cases of employees against whom disciplinary action and criminal cases are pending and the appointing authority must consider the cases of such employees who are facing disciplinary/criminal action as to whether they are entitled for promotion in spite of disciplinary/criminal proceedings pending against them. But in the instant case, the respondents have not considered the case of the petitioner for promotion to the post of Additional Superintendent of Police in terms of G.O.Ms.No.257, dated 10.06.1999. Therefore, he contended that appropriate orders be passed directing the respondents to consider the case of the petitioner for promotion to the post of Additional Superintendent of Police strictly in terms of the guidelines framed in the said G.O.

Learned Government Pleader submits that the case of the petitioner would be considered for promotion to the post of Additional Superintendent of Police strictly in terms of the G.O.Ms.No.257, dated 10.06.1999, and appropriate orders would be passed.

Having regard to the rival submissions made by the parties, this Court is of the considered view that this Writ Petition can be disposed of directing the respondents to consider the case of the petitioner for promotion to the post of Additional Superintendent of Police strictly in terms of the 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 these observations, the Writ Petition is disposed of.
No costs.

As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

24.07.2019
dv

