

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.16658 OF 2019

ORDER

This writ petition is filed seeking the following relief:

“...to issue an appropriate Writ, Direction or Order, more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not promoting the petitioner to the post of Deputy Director of Town and Country Planning from the post of Assistant Director of Town and Country Planning without reference to charge memos vide G.O.Rt.No.1228 MA & UD (El) Department dated 17-09-2012 and G.O.Rt.No.128 MA & UD (VIG.II (2) Department, dated 06-02-2019 is highly illegal and unjustified with a direction to the respondents to promote the petitioner to the post of Deputy Director of Town and Country Planning from the post of Assistant Director of Town and Country Planning without reference to charge memos *vide* G.O.Rt.No.1228 MA & UD (El) Department, dated 17.09.2012 and G.O.Rt.No.128 MA & UD (VIG.II (2) Department, dated 06-02-2019 and pass such other or further order or orders as the Hon'ble Court may deem fit and proper in the circumstances of the case.”

Heard Sri M.V.S.Sai Kumar, learned counsel appearing for the petitioner and learned Government Pleader for Municipal Administration appearing for the respondents.

It is the case of the petitioner that he is working as Assistant Director of Town & Country Planning (ACP) and that though he is eligible for promotion to the post of Deputy Director of Town and Country Planning, the respondents are not considering his case on the premise of pendency of charge memos.

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 the respondents contends that case of the petitioner would be considered in terms of G.O.Ms.No.257, dated 10.6.1999 and 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 Deputy Director of Town and Country Planning.

Accordingly, the Writ Petition is disposed of, directing the respondents to consider the case of the petitioner for promotion to the post of Deputy Director of Town and Country Planning strictly in terms of G.O.Ms.No.257, dated 10.6.1999 and also G.O.Ms.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, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

6th August, 2019
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