

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.16716 OF 2019

ORDER

This writ petition is filed seeking the following relief:

“...to issue an appropriate Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in initiating and continuing disciplinary proceedings against the petitioner for an alleged incident pertaining to the year 2012 *vide* charge memo issued in Rc.No.1713/01/2012, dated 27.08.2013 and further depriving promotion to the post of Assistant Director on the ground of pendency of said charge memo and criminal case in C.C.No.454 of 2013 on the file of XII Additional Chief Metropolitan Magistrate, Hyderabad in respect of identical charges arising out of one and the same incident as being arbitrary, illegal, discriminatory, vitiated by delay contrary to the time limit stipulated by the Government for completion of enquiries in G.O.Ms.No.679, dated 01-11-2008 and in Rule 20 of TSCS (CC & A) Rules, 1991 and in violation of Articles 14 and 16 of the Constitution of India and further be pleased to hold that the petitioner is entitled to be considered for promotion as Assistant Director, Telangana State Forensic Science Laboratory with all consequential benefits in the interest of justice and to pass such other order or orders as the Hon'ble Court may deem fit and proper in the circumstances of the case.”

Heard Sri V.Ravichandran, learned counsel appearing for the petitioner and learned Government Pleader for Home appearing for the respondents.

It is the case of the petitioner that he is working as Scientific Officer and that though he is eligible for promotion to the post of Assistant Director, the respondents are not considering his case on the premise of pendency of charge memo and C.C.No.454 of 2013 on the file of XII Additional Chief Metropolitan Magistrate, Hyderabad.

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 Assistant Director.

Accordingly, the Writ Petition is disposed of, directing the respondents to consider the case of the petitioner for promotion to the post of Assistant Director 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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