

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.41702 of 2016

ORDER:

This writ petition is filed seeking the following relief :-

“.....a) petitioner is entitled to be considered for promotion to the post of Administrative Officer without reference to the charge memo and disciplinary proceedings pending against him vide Charge Memo No.3793/TS/IT/V3/2016, dated:23-9-2016.

b) declare that action of the respondents in not placing the name of the petitioner before the DPC for effecting promotions to the post of Administrative Officer, on the ground that the disciplinary enquiry is pending against the petitioner is illegal, arbitrary and discriminatory violating Article 14 & 16 of the Constitution of India.

c) and pass such order or orders”

Heard learned counsel for petitioner and the learned Government Pleader for Services-II.

It has been contended by the petitioner that he is working as Senior Assistant at R.T.A, Mancherial and is fully eligible and qualified to be promoted to the post of Administrative Officer.

The grievance of the petitioner is that the respondents are not considering his case for promotion to the post of Administrative Officer on the ground that disciplinary proceedings vide Charge Memo No.3793/TS/IT/V3/2016, dated 23-9-2016 are pending against him.

Learned counsel for petitioner contended that the State Government has framed guidelines in G.O.Ms.No.257 dated 10.06.1999 to consider the cases of employees for promotion

against whom disciplinary proceedings/criminal proceedings are pending. As per G.O.Ms.No.257 dated 10.06.1999, the competent authority must consider the cases of employees against whom disciplinary proceedings/criminal proceedings are pending and pass appropriate orders as to whether they are eligible for promotion. But, in the instant case, the respondents are not considering the case of petitioner for promotion to the post of Administrative Officer in terms of G.O.Ms.No.257 dated 10.06.1999. Therefore, learned counsel for petitioner contends that appropriate orders be passed directing the respondents to consider the case of the petitioner for promotion to the post of Administrative Officer in terms of G.O.Ms.No.257 dated 10.06.1999 and pass appropriate orders.

Learned Government Pleader appearing for respondents has contended that the case of the petitioner will be considered in terms of G.O.Ms.No.257 dated 10.06.1999 and appropriate orders would be passed.

This Court, having considered the rival submissions, is of the considered view that the writ petition can be disposed of directing the respondents to consider the case of the petitioner for promotion to the post of Administrative Officer 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.

With the above observations, the writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 05-08-2019
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