

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.17547 of 2019

ORDER:

This writ petition is filed seeking the following relief :-

“.....Writ of Mandamus declaring the action of the respondents in initiating and continuing the disciplinary proceedings against the petitioner pursuant to the Charge Memo No.8016/CPR&RE/A2/2012 dated 14.11.2012 issued by the 2nd respondent as being arbitrary, illegal, unjust, discriminatory and violative of Article 14, 16 and 21 of the Constitution of India besides being violative of the mandatory provision of Rule 20 of the APCS CC and A Rules 1991 and also violative of the Government orders issued vide G.O.Ms.No.679 dated 01.11.2008 consequently hold that the petitioner is entitled for promotion to the post of Divisional Level Panchayath Officer with all consequential benefits and pass such other order.....”

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 Extension Officer at Mancherial (Hazipur) and is fully eligible and qualified to be promoted to the post of Divisional Panchayat Officer.

The grievance of the petitioner is that the respondents are not considering his case for promotion to the post of Divisional Panchayat Officer on the ground that disciplinary proceedings vide Charge Memo No.8016/CPR&RE/A2/2012, dated 14.11.2012 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 Divisional Panchayat 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 Divisional Panchayat 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 this writ petition can be disposed of directing the respondents to consider the case of the petitioner for promotion to the post of Divisional Panchayat 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: 16-08-2019
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