

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.17441 of 2019

ORDER:

This writ petition is filed seeking the following relief :-

“.....to declare the action of the 2nd respondent in not considering the case of the petitioner for promotion as Extension Officer (PR & RD) on the ground of pendency of disciplinary proceedings (denovo enquiry) ie., Charge Memo bearing No.5018/CPR&RE/B3/2016, dated 03.07.2019, as illegal, arbitrary, violative of Article 14 and 16 of Constitution of India by issuing appropriate writ, or direction more particularly in the nature of Mandamus and consequently direct the 2nd Respondent to consider the case of the petitioner for promotion as Extension Officer (PR & RD) strictly as per his seniority and in accordance with law in Zone-VI and to pass such other.....”

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 Panchayat Secretary Grade-I at Choutpally Gram Panchayat, Kammarpally Mandal, Nizamabad District and is fully eligible and qualified to be promoted to the post of Extension Officer (PR & RD).

The grievance of the petitioner is that the respondents are not considering his case for promotion to the post of Extension Officer (PR & RD) on the ground of pendency of disciplinary proceedings (denovo enquiry) vide Charge Memo No. 5018/CPR&RE/B3/2016, dated 03.07.2019, 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 Extension Officer (PR & RD) 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 Extension Officer (PR & RD) 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 Extension Officer (PR & RD) 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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