

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.17591 of 2019

ORDER:

Heard Sri M.Srinivasa Rao, learned counsel for the petitioner and the learned Government Pleader for Services-II. With the consent of learned counsel for the respective parties, this Writ Petition is disposed of at the admission stage.

This writ petition is filed seeking the following relief :-

“a) declaring that action of the respondents in not promoting the petitioner as Panchayat Secretary Grade-II on the ground that a criminal case is registered and pending against the petitioner is illegal and arbitrary and discriminatory violating Article 14 & 16 of the Constitution of India.

b) declare that the petitioner is entitled to be promoted as Panchayat Secretary Grade-II, without reference to the criminal case pending against him viz., CC.No.345/2015 pending on the file of JFCM, Sathupally.

c) and pass such order or order.....”

It has been contended by the petitioner that he is working as Panchayat Secretary Grade-III at Moddulagudem Gram Panchayat, Dhammapet Mandal, Kothagudem District and is fully eligible and qualified to be promoted to the post of Panchayat Secretary Grade-II.

The grievance of the petitioner is that the respondents are not considering his case for promotion to the post of Panchayat Secretary Grade-II on the ground of pendency of disciplinary proceedings against him in CC.No.345/2015.

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 Panchayat Secretary Grade-II 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 Panchayat Secretary Grade-II 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 Panchayat Secretary Grade-II 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: 19-08-2019
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