

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.17607 of 2019

ORDER

This Writ Petition is filed seeking the following relief:

“to issue a writ, order or direction especially one in the nature of Writ of Mandamus (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, arbitrary and discriminatory violating Articles 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., C.C.No.345/2015 pending on the file of Judicial First Class Magistrate, Sathupally(c) and pass such order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Heard Sri Srinivasa Rao Madiraju, learned counsel appearing for the petitioner, and learned Government Pleader for Panchayat Raj appearing for the respondents.

It is the case of the petitioner that he is working as Panchayat Secretary Grade-III, and that though he is eligible for promotion to the post of Panchayat Secretary Grade-II, the respondents are not considering his case on the premise that C.C.No.345 of 2015 is pending against him.

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 respondents contends that case of the petitioner would be considered in terms of G.O.Ms.No.257, dated 10.6.1999 and that 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 Panchayat Secretary Grade-II.

Accordingly, the Writ Petition is disposed of, directing the respondents to consider the case of the petitioner for promotion to the post of Panchayat Secretary Grade-II strictly in terms of G.O.Ms.No.257, dated 10.6.1999 and also G.O.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, pending, if any shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

21st August, 2019
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