

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.17692 of 2019

ORDER:

Heard Sri M.V.Rama 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 :-

“.....Writ of Mandamus declaring the action of the 2nd respondent in issuing Charge Memo vide G.O.Rt.No.217 Municipal Administration & Urban Development (Vig.II (1)) Department dated 29.03.2018 and not considering the petitioner for promotion to the post of Mandal Parishad Development Officer on the ground of pending disciplinary proceedings without concluding disciplinary proceedings within the time prescribed vide G.O.Ms.No.679 G.A(SER-C) Department dated 01.11.2008 as illegal, arbitrary and in violation of Articles 14 & 16 of the Constitution of India and consequently direct the respondents to consider and promote the petitioner as MPDO with all consequential benefits and pass such other order or orders”

It has been contended by the petitioner that while he was working as Executive Officer in Dubbak Gram Panchayat, it has been upgraded as Nagara Panchayat vide G.O.Ms.No.37 dated 31.01.2013 and thereafter, the petitioner was promoted as Extension Officer on 04.03.2014 and given posting in Panchayat Raj Department. Petitioner further contends that he worked as an Executive Officer only for a limited period in the fold of Panchayat Raj Department in Dubbak Gram Panchayat w.e.f. 18.10.2010 to 04.03.2014. Be that as it may,

the respondents have issued a Charge Memo vide G.O.Rt.No.217 dated 29.03.2018 against the petitioner alleging that the petitioner has failed to produce the records pertaining to the year 2013-14 to the Audit Officer and had exhibited lack of integrity and devotion to duty contravening the contents of Rule-3 of Andhra Pradesh Civil Services (conduct Rules) 1964. In pursuance of the said Memo, the petitioner had submitted explanation on 18.07.2018 making it abundantly clear that at that relevant point of time, he was promoted as Extension Officer (PR & RD), Mandal Praja Parishad, Chinnakodur and was no more Executive Authority in Dubbak Nagarpanchayat and that the Audit was conducted subsequent to his promotion and he has nothing to do with the charges levelled against him. In spite of submitting explanation way back on 18.07.2018, the respondents neither passed orders dropping the charges levelled against him vide charge Memo dated 29.03.2018 nor they are proceeding with the disciplinary action. Petitioner further contends that due to pendency of the disciplinary proceedings, the respondents are not considering him for promotion to the post of Mandal Parishad Development Officer.

Therefore, learned counsel for the petitioner contends that appropriate orders be passed in the writ petition directing the respondents to consider the explanation submitted by the petitioner and pass appropriate orders and also further direct the respondents to consider the case of the petitioner for

promotion to the post of Mandal Parishad Development Officer strictly in terms of G.O.Ms.No.257 dated 10.06.1999.

Learned Government Pleader appearing for respondents contends that the respondents would consider the case of the petitioner for promotion to the post of Mandal Parishad Development Officer strictly in accordance with G.O.Ms.No.257 dated 10.06.1999 and also would pass appropriate orders on the explanation submitted by the petitioner in pursuance of the charge Memo dated 29.03.2018, within a reasonable period.

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 explanation submitted by the petitioner on 18.07.2018 and also consider the case of the petitioner for promotion to the post of Mandal Parishad Development Officer, strictly 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
dv

