

THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.17873 of 2019

ORDER:

This writ petition is filed seeking the following relief :-

“.....to issue Writ order or direction more particularly one in the nature of Writ of ‘Mandamus’ calling for the records relating to Charge Memo No.387 PR & RD (Vig.I) Dept dated 16-7-2019 and DECLARE the same as illegal, arbitrary, unjust and unreasonable and contrary to principles of natural justice and also declare the action of the respondents in not considering the case of the petitioner for promotion to the next higher cadre as illegal, arbitrary, discriminatory and contrary to Article 14 & 16 of the Constitution and also direct the respondents to consider the case of the petitioner for promotion to the post of Chief Engineer or I/c Chief Engineer in arising vacancy on 31-8-2019 due to retirement of Sri John Milton, Chief Engineer or any other vacancy of Chief Engineer and promote the petitioner without reference to Charge Memo No.387 PR & RD (Vig.I) DEPT. Dated 16-7-2019 issued by the respondents and pass such other order or orders as this Hon’ble Court may deem fit and proper in the interest of justice.”

Heard Mr.M.Ratna Reddy, learned counsel for petitioner and the learned Government Pleader for Services-I.

It has been contended by the petitioner that he is working as Regional Officer (Superintending Engineer) and he is fully eligible and qualified to be promoted to the post of Chief Engineer or I/c Chief Engineer.

The grievance of the petitioner is that the respondents are not considering his case for promotion to the post of Chief Engineer or I/c Chief Engineer on the ground that charge memo dated dt.16.07.2019 is 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 Chief Engineer or I/c Chief Engineer 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 petitioner for promotion to the post of Chief Engineer or I/c Chief Engineer 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 the writ petition can be disposed of directing the

respondents to consider the case of petitioner for promotion to the post of Chief Engineer or I/c Chief Engineer 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.

20th August 2019

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ABHINAND KUMAR SHAVILI, J

