

THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.17910 of 2019

ORDER:

This writ petition is filed seeking the following relief :-

“.....to issue a writ, order or direction more particularly one in the nature of Writ of MANDAMUS to declare the action of the respondents in not considering the claim of the petitioner for promotion to the post of Divisional Panchayat Officer on the ground that Charge Memo issued vide Memo.No.3724/CPR/RE/E2/2016 dated 14.07.2016 is pending, as illegal, arbitrary and unconstitutional and consequently direct to the respondents to consider the claim of the petitioner for promotion to the post of Divisional Panchayat Officer without reference to charge memo issued vide Memo No. 3724/CPR/RE/E2/2016 dated 14.07.2016 on par with others with all consequential benefits and pass such other order or orders may deem fit and proper in the circumstances of the case”.

Heard Mr.N. Ajay Kumar, learned counsel for petitioner and the learned Government Pleader for respondents.

It has been contended by the petitioner that she is working as Extension Officer (PR & RD) and she is fully eligible and qualified to be promoted to the post of Divisional Panchayat Officer.

The grievance of the petitioner is that the respondents are not considering her case for promotion to the post of Divisional Panchayat Officer on the ground that charge memo dated dt.14.07.2016 is pending against her.

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 Divisional Panchayat Officer 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 Divisional Panchayat Officer 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 Divisional Panchayat Officer 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

20th August 2019

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