

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.18144 of 2019

ORDER:

Heard Sri M.V.S.Sai Kumar, learned counsel for the petitioner and the learned Government Pleader for respondents. 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 Respondents in not promoting the petitioner to the post of Selection Grade Municipal Commissioner from the post of Special Grade Municipal Commissioner without reference to the Charge Memo vide G.O.Rt.No.518 MA & UD (VIG.II) Department dated 14.12.2015 and G.O.Rt.No.579 MA & UD (VIG.II) Department dated 20.07.2018, as highly illegal and unjustified.....”

It has been contended by the petitioner that she is working as Special Grade Municipal Commissioner, Santhosh Nagar, Santhosh Nagar, Circle No.7, Greater Hyderabad Municipal Corporation, Hyderabad and is fully eligible and qualified to be promoted to the post of Selection Grade Municipal Commissioner.

The grievance of the petitioner is that the respondents are not considering her case for promotion to the post of Selection Grade Municipal Commissioner on the ground of pendency of disciplinary proceedings initiated against her vide Charge Memos in G.O.Rt.No.518 MA & UD (VIG.II)

Department dated 14.12.2015 and G.O.Rt.No.579 MA & UD (VIG.II) Department dated 20.07.2018.

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 Selection Grade Municipal Commissioner in terms of G.O.Ms.No.257 dated 10.06.1999. Therefore, learned counsel for petitioner contends that appropriate orders be passed in the writ petition directing the respondents to consider the case of the petitioner for promotion to the post of Selection Grade Municipal Commissioner 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 Selection Grade Municipal Commissioner 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: 22-08-2019
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