

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.17992 of 2019

ORDER

This Writ Petition is filed seeking the following relief:

“to issue a writ, order or direction particularly one in the nature of Writ of Mandamus declaring the charge memo dt. 13.2.2019 as illegal, arbitrary and vague and also on the ground of unexplained delay and set aside the same and further declare that the petitioner is entitled to be considered for promotion to the post of Superintending Engineer without reference to the charge memo dt. 13.2.2019 and pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

Heard Sri M.Srikanth, learned counsel appearing for the petitioner, and learned Government Pleader for Municipal Administration & Urban Development appearing for the respondents.

It is the case of the petitioner that she is working as Executive Engineer, and that though she is eligible for promotion to the post of Superintending Engineer, the respondents are not considering her case on the premise that charge memo dated 13.02.2019 is pending against her.

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 Superintending Engineer.

Accordingly, the Writ Petition is disposed of, directing the respondents to consider the case of the petitioner for promotion to the post of Superintending Engineer 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
rkk

