

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.18140 of 2019

ORDER:

Heard Sri S.Jagadish, 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 considering the case of the petitioner for next promotion to the post of Municipal Commissioner Grade III while considering the juniors of the petitioner on the sole ground that the disciplinary proceedings are pending against the petitioner vide Charge Memo in G.O.Rt.No.910 dated 15.12.2018 (Allegations relates to the year 2008-2010) issued by the 1st respondent as void, illegal, arbitrary, unconstitutional and violative of Articles 14 and 16 of the Constitution of India and consequently direct the 1st respondent to consider the case of the petitioner for promotion to the post of Municipal Commissioner Grade III without reference to pendency of disciplinary proceedings as per G.O.Ms.No.257 dated 20.06.1999 and to pass such other order.....”

It has been contended by the petitioner that he is working as Sanitary Inspector and is fully eligible and qualified to be promoted to the post of Municipal Commissioner Grade-III.

The grievance of the petitioner is that the respondents are not considering his case for promotion to the post of Municipal Commissioner Grade-III on the ground of pendency

of disciplinary proceedings against him vide Charge Memo in G.O.Rt.No.910 dated 15.12.2018 issued by the 1st respondent.

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 Municipal Commissioner Grade-III 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 Municipal Commissioner Grade-III 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.

Date: 22-08-2019
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ABHINAND KUMAR SHAVILI, J



