

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.18231 of 2019

ORDER:

Heard Sri M.V.Pratap Reddy, learned counsel for the petitioner and the learned Government Pleader for Services (Home). 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 that the action on part of the Respondent No.4 in initiating the departmental proceedings Article of Charge in Rc.No.797/D1-47/HR/2017 dated 11.04.2018 without any basis resulting in the denial of promotion of the Petitioner as Inspector of Police (Civil) as illegal, arbitrary, discriminatory and contrary to rules and violative of article 14 and 16 of the Constitution of India and consequently direct the Respondents to consider the claim of the Petitioner for promotion as Inspector of Police without reference to the Disciplinary Proceedings initiated vide Rc.No.787/D1-47/HR/2017 dated 11.04.2018 of the 4th respondent and pass such other order.....”

It has been contended by the petitioner that he is working as Sub-Inspector of Police at Mominpet, P.S. and is fully eligible and qualified to be promoted to the post of Inspector of Police (Civil).

The grievance of the petitioner is that the respondents are not considering his case for promotion to the post of Inspector of Police (Civil) on the ground of pendency of disciplinary proceedings initiated by the 4th respondent

against him vide Rc.No.787/D1-47/HR/2017 dated 11.04.2018.

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 Inspector of Police (Civil) 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 Inspector of Police (Civil) 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 Inspector of Police (Civil) 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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