

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.16317 of 2017

ORDER:

This writ petition is filed seeking the following relief :-

“.... to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not considering and promoting the petitioner as Tahsildar in Zone VI on the basis of his seniority and Rule of reservation in promotions on the ground that a Criminal case in CC No 8/ 2017 is pending against the petitioner on the file of the Hon'ble Special Judge for SPE ACB Cases at Karimnagar as being arbitrary, unjust, contrary to the provisions of Rule 6(g)(iii) of the T.S State and Subordinate Service Rules and G.O.Ms.No.257 General Administration (Ser.C) Department dated 10.6.1991 and in violation of Articles 14 and 16 of the Constitution of India and consequently hold that the petitioner is entitled to be considered and promoted as Tahsildar in Zone VI without reference to CC No 8/2017 dated 13.3.2017 pending on the file of the Honble Special Judge for SPE & ACB Cases at Karimnagar with all consequential benefits”.

Heard Mr.D.Linga Rao, learned counsel for petitioner and the learned Government Pleader for Services-II.

It has been contended by the petitioner that he is working as Deputy Tahsildar with the respondents and he is fully eligible and qualified to be promoted to the post of Tahsildar.

The grievance of the petitioner is that the respondents are not considering his case for promotion to the post of Tahsildar on the ground that a case in C.C.No.8/2017 dated 13.03.2017 is pending against him.

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 the petitioner for promotion to the post of Tahsildar 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 the petitioner for promotion to the post of Tahsildar 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 Tahsildar in terms of G.O.Ms.No.257 dated 10.06.1999 and pass appropriate orders within 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 SHAVIL, J

Date: 20-03-2019
Prv

