

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.19421 of 2019

ORDER:

Heard Sri K.Ramalingeswara Rao, learned counsel for the petitioner and the learned Government Pleader for Services-III. With the consent of both the parties, this writ petition is disposed of at the admission stage.

This writ petition is filed seeking the following relief :-

“.....Writ Of Mandamus declare the action of the respondents in not promoting the petitioner to the post of Motor Vehicle Inspector w.e.f. 2.03.2010 retrospectively i.e. from the date of his junior's promotion, on complete exoneration from the pending Charges vide G.O.Rt.No.662 TR & B (VIG.III.1) Department, dated 11.07.2013 in terms of G.O.Ms.No.424 General Administration (Ser-C) Department, dated:11.09.2007, as illegal, arbitrary and discriminatory consequently direct the respondents to consider the candidature of the petitioner for notional promotion to the post of Motor Vehicle Inspector (MVI) from the date of his junior's promotion i.e. 2.03.2010 with all consequential benefits and fix up his pension in the category of MVI in terms of G.O.Ms.No.424 GA(Ser.C) Department, dated 25-5-1976, and pass such other.....”

It has been contended by the petitioner that he has retired from service on 31.12.2017 in the cadre of Assistant Motor Vehicle Inspector. The petitioner further contends that though he was fully eligible and qualified to be promoted to the post of Motor Vehicle Inspector, he was not considered for promotion on the ground that Charge Memo dated

19.12.2010 is pending against him and accordingly his junior was promoted to the post of Motor Vehicle Inspector vide proceedings dated 25.03.2010. He further contends that in pursuance to the Charge Memo dated 19.12.2010, the respondents have conducted detailed enquiry and having found that no charges were proved against him, he was exonerated from the charges vide G.O.Rt.No.662, dated 11.07.2013. Thereafter, though he was reinstated into service, he was not considered for promotion to the post of Motor Vehicle Inspector on par with his juniors in terms of G.O.Ms.No.424 dated 25.05.1976 and Circular Memo dated 11.09.2017. In those circumstances, the petitioner had submitted a representation on 29.05.2018, but so far, the respondents have not passed any orders on the said representation nor considered his case for promotion to the post of Motor Vehicle Inspector on par with his juniors.

Therefore, learned counsel for the petitioner contends that appropriate orders be passed in this writ petition directing the respondents to consider the representation of the petitioner dated 29.05.2018 and pass appropriate orders in accordance with law.

Learned Government Pleader appearing for the respondents contends that case of the petitioner would be considered and appropriate orders be passed on the representation submitted by the petitioner, in accordance with law.

This Court, having considered the rival submissions of the learned counsel appearing for the respective parties, 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 Motor Vehicle Inspector on par with his juniors by duly taking into consideration, the representation of the petitioner dated 29.05.2018 and pass appropriate orders in accordance with law, within a period of eight (08) 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: 14-10-2019
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