

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.19112 of 2019

ORDER:

This writ petition is filed seeking a writ of Mandamus declaring the action of the respondents in not considering the case of the petitioner for promotion to the post of Tahsildar (Nayab Tahsildar) while considering the number of juniors to the petitioner as illegal and arbitrary and sought a consequential direction to direct the respondents to consider the case of the petitioner for promotion to the post of Tahsildar (Nayab Tahsildar) in terms of G.O.Ms.No.257 dated 10.06.1999.

Heard Mr. K.R.Srinivas, counsel for petitioner, and the learned Government Pleader for Revenue appearing for the respondents.

It is contended by the petitioner that he is working as Senior Assistant and is provisionally eligible to be promoted to the post of Tahsildar (Nayab Tahsildar). The grievance of the petitioner is that though he is very much eligible and qualified for promotion to the post of Tahsildar (Nayab Tahsildar), the respondents are not considering his case for promotion to the said post on the ground that criminal case in C.C.No.96 of 2017 on the file of the Additional Special Judge for SPE & ACB Cases, Hyderabad is pending against him.

Learned counsel for the petitioner contended that the State Government has taken a policy decision in G.O.Ms.No.257 dated

10.06.1999 wherein elaborate guidelines were framed by the State Government as to the consideration of the cases of employees against whom disciplinary action and criminal cases are pending and the appointing authority must consider the cases of such employees who are facing disciplinary/criminal action as to whether they are entitled for promotion in spite of disciplinary/criminal proceedings are pending against them. But in the instant case, the respondents have not considered the case of the petitioner for promotion to the post of Tahsildar (Nayab Tahsildar) in terms of G.O.Ms.No.257 dated 10.06.1999. Therefore, the counsel for the petitioner contended that appropriate orders be passed directing the respondents to consider the case of the petitioner for promotion to the post of Tahsildar (Nayab Tahsildar) strictly in terms of the guidelines framed in the said G.O.

Learned Government Pleader appearing for respondents has contended that the case of the petitioner for promotion to the post of Tahsildar (Nayab Tahsildar) would be considered strictly 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 of learned counsel for 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 Tahsildar (Nayab Tahsildar) strictly 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

15.10.2019
v v



