

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.19390 of 2019

ORDER:

This writ petition is filed seeking the following relief :-

“.....to issue a writ in the nature of Mandamus or any other appropriate writ, order or direction by declaring the action of the respondents in not considering the case of the petitioner for promotion as Divisional Engineer (Electrical) on the sole ground of pendency of C.C.No.17 of 2015 on the file of the Court of the Hon'ble Principal Special Judge for SPE and ACB cases-cum-1V Addl. Chief Judge, City Civil Court, Hyderabad though he is entitled to be considered for such promotion in terms of G.O.Ms.No.257, G.A. (Services.C) Dept., dt.10.6.99 as illegal, arbitrary and unconstitutional being violative of Articles 14, 16 and 21 of Constitution of India and consequently direct the respondents to consider the case of the petitioner for promotion as Divisional Engineer (Electrical) in terms of G.O.Ms.No.257, G.A. (Services.C) Dept., dt.10.6.99 and promote him as such with all consequential benefits”.

Heard Mr.SGopal Rao, the learned counsel for the petitioner and the learned Government Pleader for respondents.

It has been contended by the petitioner that he is working as Deputy Executive Engineer and he is fully eligible and qualified to be promoted to the post of Divisional Engineer (Electrical).

The grievance of the petitioner is that the respondents are not considering his case for promotion to the post of Divisional Engineer (Electrical) on the ground that C.C.No.17 of 2015 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 petitioner for promotion to the post of Divisional Engineer (Electrical) 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 petitioner for promotion to the post of Divisional Engineer (Electrical) 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 Divisional Engineer (Electrical) 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 SHAVIL, J

Date: 15-10-2019
Prv

