

**HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

**WRIT PETITION No.19606 of 2019**

**ORDER:**

This writ petition is filed seeking a Writ of Mandamus declaring the action of respondents in not considering the case of the petitioner for promotion to the post of Panchayat Secretary Grade-I on par with his juniors on the ground that certain charges are pending against the petitioner even though the said charges are issued by the 3<sup>rd</sup> respondent, who is not the competent authority, as illegal, arbitrary, abuse of process of law, violative of principles of natural justice and contrary to the legal propositions and set aside the proceedings of 3<sup>rd</sup> respondent dated 06.05.2019 insofar as sending proposals for imposing punishment on the petitioner by further directing the respondents to consider the case of the petitioner for promotion to the post of Panchayat Secretary Grade-I as per his seniority and eligibility on par with his juniors without reference to the charges initiated by the incompetent authority.

2. Heard both sides.

3. It has been contended by the petitioner that he is working as Panchayat Secretary Grade-II at Odyaram Grampanchayat, Gangadhar Mandal, Karimnagar District. While so, the 3<sup>rd</sup> respondent, though not competent authority, placed the petitioner under suspension vide orders dated 05.12.2018, on certain charges pertaining to the period he worked as incharge Panchayat Secretary of Chinthakunta Grampanchayat. Petitioner has submitted his detailed defence statement denying the said charges on 15.12.2018. After conducting detailed inquiry, the 3<sup>rd</sup>

respondent, vide orders dated 06.05.2019, reinstated the petitioner into service and further sent proposals to the 2<sup>nd</sup> respondent for withholding of three annual grade increments with cumulative effect. Petitioner contend that the 3<sup>rd</sup> respondent is not competent to issue articles of charges, to appoint enquiry officer and also to send proposals for imposing major punishment. The petitioner further contend that now the respondents have undertaken the process of giving promotions to the post of Panchayat Secretary Grade-I and that he is entitled for promotion to the said post in terms of G.O.Ms.No.257, dated 10.06.1999, as the State Government has taken a policy decision to examine the cases of all employees who are facing disciplinary action/criminal action, and as per the said policy, the competent authority must examine each individual case and pass specific order whether the employee is eligible to be promoted or not. But, without examining the case of the petitioner in terms of G.O.Ms.No.257, dated 10.06.1999, respondents have mechanically rejected his case for promotion to the post of Panchayat Secretary Grade-I. Therefore, counsel for petitioner contend 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 Panchayat Secretary Grade-I strictly in terms of G.O.Ms.No.257, dated 10.06.1999.

4. Learned Government Pleader appearing for respondents contend that since certain allegations were made against the petitioner and as major penalty of withholding of 3 annual grade increments with cumulative effect is proposed against the petitioner, the case of the

petitioner was not considered for promotion, but however, the learned Government Pleader contend that the case of the petitioner will be examined in terms of G.O.Ms.No.257, dated 10.06.1999 and appropriate orders would be passed in accordance with law.

5. This Court, having considered the rival submissions of the 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 Panchayat Secretary Grade-I strictly in terms of G.O.Ms.No.257, dated 10.06.1999 and pass appropriate orders within a period of Six weeks from the date of receipt of a copy of this order.

6. With these observations, the writ petition is disposed of. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

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**ABHINAND KUMAR SHAVILI, J**

18<sup>th</sup> November 2019

ajr