

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.19656 OF 2019

ORDER:

With the consent of both parties, the Writ Petition is taken up for disposal at the stage of admission itself.

2. This Writ Petition is filed seeking a writ of mandamus by declaring that the petitioner is entitled to have his case considered for promotion as Assistant Director/Assistant Accounts Officer with the benefits incidental thereto by duly holding the action of the respondents in not considering the petitioner's case for promotion to the post of Assistant Director/Assistant Accounts Officer, though Departmental Promotion Committee Meeting was conducted on 05.07.2019 even though he is going to retire by 31.10.2019 as being arbitrary, illegal and violative of Articles 14 and 16 of the Constitution of India.

3. Heard Sri D. Linga Rao, learned Counsel for the petitioner, and Sri D. Pochaiah, learned Standing Counsel for respondents 2 and 3, and perused the material on record.

4. It has been contended by the petitioner that he is working as a Superintendent and fully eligible and qualified to be promoted as Assistant Director/Assistant Accounts Officer and he is on the verge of retirement. The grievance of the petitioner is that though he is fully eligible and qualified for promotion to the post of Assistant Director/Assistant Accounts Officer and two vacancies of the said post are available, the respondents are not considering his case for promotion to the said post.

5. Therefore, the learned counsel for the petitioner contends that right to consider for promotion is a fundamental right, as such, appropriate orders may be passed directing the respondents to consider the petitioner's case for promotion to the post of Assistant Director/Assistant Accounts Officer in accordance with Rules within a reasonable period of time.

6. Learned Standing Counsel appearing for the respondents submits that because of some administrative delay, the case of the petitioner for promotion could not be considered and he submits that the case of the petitioner would be considered for promotion in accordance with law within a reasonable period of time.

7. Having considered the aforesaid rival submissions, this writ petition is disposed of directing the respondents to consider the case of the petitioner for promotion to the post of Assistant Director/Assistant Accounts Officer in accordance with law, before his retirement from service.

8. With the above observations, the Writ Petition is disposed of. No order as to costs.

Miscellaneous Petitions, if any pending, in the writ petition shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Date: 17.10.2019
MRKR