

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.20054 of 2019

ORDER:

This writ petition is disposed of at the stage of admission with the consent of learned counsel for the respective parties.

This writ petition is filed seeking the following relief :-

“.....to issue Writ, Order or Direction more particularly one in the nature of Writ of Mandamus by declaring the action of the 2nd respondent in not passing final orders on the enquiry report submitted by the enquiry officer dated 31.7.2017 by dropping charges is illegal, arbitrary and violative of principles of natural justice and consequently direct the 2nd respondent to promote the petitioners to the post of Senior Assistant / Superintendent / Assistant Municipal Commissioner on par with their juniors with all attendant benefits”

Heard Mr.P.Raghavender Reddy, learned counsel for the petitioners, the learned Government Pleader for Services-III and Sri LDayakar Reddy, learned Standing Counsel for respondents 2 and 3.

It has been contended by the petitioners that they are working as Tax Inspector and Bill Collector/Junior Assistant respectively and the disciplinary authority had initiated disciplinary proceedings against the petitioners way back in the year 2009 and a regular enquiry was conducted. The disciplinary authority has cancelled the said enquiry on the ground that it was not properly conducted and the second enquiry was conducted during the year 2015. After conducting enquiry, the Enquiry Officer has submitted a report to the disciplinary authority on 31.07.2017, wherein the Enquiry Officer gave a finding that the charges levelled against the petitioners are not proved. Though the Enquiry Officer

submitted a report concluding the enquiry, the disciplinary authority has not passed any orders on the disciplinary proceedings initiated against the petitioners. In view of pendency of disciplinary proceedings against the petitioners, the cases of petitioners are not being considered for promotion to the posts of Senior Assistant/Superintendent/Assistant Municipal Commissioner and many of their juniors were promoted to the next higher post.

Learned counsel for the petitioners submits that appropriate orders be passed in the writ petition directing the disciplinary authority to conclude the disciplinary proceedings initiated against the petitioners way back in the year 2009 within a reasonable period of time by duly taking into account the enquiry report dated 31.07.2017.

Learned Government Pleader as well as the learned Standing Counsel appearing for the respondents have contended that the disciplinary authority would conclude the disciplinary proceedings initiated against the petitioners by duly taking into account the Enquiry Officer's report dated 31.07.2017 and pass appropriate orders within a reasonable period of time preferably within a period of eight weeks.

This Court, having considered the rival submissions made by the learned counsel for the respective parties, is of the considered view that this writ petition can be disposed of directing the respondents to conclude the disciplinary proceedings initiated against the petitioners by duly taking into account the Enquiry Officer's report dated 31.07.2017 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

06-11-2019
Prv

