HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.21541 of 2017

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 a Writ, order or direction more particularly one in the nature of Writ of Mandamus and declare the action of the respondents in denying promotion of the petitioner on par with his juniors on pendency of not proved allegations levelled in Departmental Charges Memos vide Proceedings No.Vig/362/2009-1 and Proceedings No. Vig/362/2009-3 dated 21.1.2014 issued by the 3rd respondent pertains to the year 2009 in view of the long pendency caused prejudice to the petitioner inspite of his eligibility, as illegal, arbitrary and in violation of principles of natural justice and consequently direct the respondents herein to promote the petitioner to the post of DCTO on par with his juniors without reference to the pendency of not proved Departmental Charges dated 21.1.2014.....".

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

It has been contended by the petitioner that he is working as Assistant Commercial Tax Officer and he is fully eligible and qualified to be promoted to the post of Deputy Commercial Tax Officer.

The grievance of the petitioner is that the respondents are not considering his case for promotion to the post of Deputy Commercial Tax Officer on the ground that disciplinary proceedings are 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 Deputy Commercial Tax Officer 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 Deputy Commercial Tax Officer 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 Deputy Commercial Tax Officer 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

Date: 09-12-2019
Prv