

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.21795 of 2019

ORDER:

Heard Sri Ch.Srinivas, learned counsel for the petitioner and the learned Government Pleader for Home Services. With the consent of learned counsel for the respective parties, this Writ Petition is disposed of at the admission stage.

This writ petition is filed seeking the following relief :-

“.....Mandamus declaring the action of the respondents in not considering my case for promotion to the post of ACP/DSP while giving promotions to my juniors Sri R.G.Siva Maruti, A.Srinivasulu as illegal, highhanded, discriminatory and cannot be justified in the eye of law and consequently direct the respondents to consider the case of the petitioner for promotion to the post of Assistant Commissioner of Police or Deputy Superintendent of Police in the light of the orders passed by the Hon'ble AP.Adminstrative Tribunal in O.A.No.5157 of 2010 and O.A.5157 of 2010 and O.A.No.2860 of 2011 dated 20-12-2011 in the interest of justice.....”

It has been contended by the petitioner that he was initially appointed as Sub Inspector of Police in the year 1995. While so, the disciplinary authority during the year, 2007 imposed punishment of reduction of time scale of pay by two stages for two years with cumulative effect vide proceedings dt.23.11.2008. Aggrieved by the same, the petitioner preferred an appeal before the appellate authority and the appellate authority vide order dt.21.01.2009 rejected the said appeal. Against the same, petitioner preferred Revision before the Government and the Government vide order dt.18.08.2009

rejected the revision. Thereafter, petitioner filed O.A.No.5157 of 2010 before the then Administrative Tribunal challenging the impugned punishment order dt.23.11.2008 and O.A.No.2860 of 2011 seeking to restore his seniority and for promotion. The Tribunal vide order dt.20.12.2011 allowed the said O.A's and as per the orders of the Tribunal, the 3rd respondent considered the case of the petitioner for promotion to the post of Inspector of Police vide order dt.26.12.2011. The grievance of the petitioner is that the respondents are not considering his case for the next higher promotion i.e., Assistant Commissioner of Police/Deputy Superintendent of Police, though many of his juniors i.e, A.Srinivasulu, R.S.Sivamaruthi, and K.Kishore Kumar were promoted. Challenging the said action of the respondents, the petitioner filed the present writ petition.

Learned counsel for the petitioner contends that during the pendency of the writ petition, the petitioner had submitted a representation on 02.11.2019 requesting the respondents to consider his case for promotion to the post of Assistant Commissioner of Police/Deputy Superintendent of Police in the existing vacancy as was done in the case of other individuals. But, so far the respondents have not passed any orders on the said representation nor considered his case for promotion to the post of Assistant Commissioner of Police/Deputy Superintendent of Police. Therefore, he contends that appropriate orders be passed in this writ petition directing the respondents to consider the representation submitted by the

petitioner on 02.11.2019 and pass appropriate orders in accordance with law.

Learned Government Pleader appearing for the respondents contends that since the representation submitted by the petitioner on 02.11.2019 is pending with the respondents, the respondents would consider the same and pass appropriate orders in accordance with law.

This Court, having considered the rival submissions of the learned counsel appearing for the respective parties, is of the considered view that this writ petition can be disposed of directing the respondents to consider the representation submitted by the petitioner on 02.11.2019 and pass appropriate orders in accordance with law, 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: 26-11-2019
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