

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.22520 of 2019

ORDER:

This writ petition is filed seeking the following relief :-

“.....to issue an appropriate Writ, Order or direction, preferably one in the nature of Writ of Mandamus and to declare the action of the respondents in not promoting the petitioner to the post of Panchayat Secretary Grade-I on the ground of pending disciplinary proceedings vide Charge Memo No.296/ 2018-A1(Pts.) dated 12.04.2018 of the 3rd respondent is highly illegal arbitrary unreasonable and also in violation of Art 14 16 and 21 of the Constitution of India and declare the same as bad in law and consequently direct the respondents to promote the petitioner to the post of Panchayat Secretary Grade-I as per his seniority”.

Heard Mr.C.Rajasekhar Reddy, the learned counsel for the petitioner and the learned Government Pleader for respondents.

It has been contended by the petitioner that he is working as Panchayat Secretary Grade-II and he is fully eligible and qualified to be promoted to the post of Panchayat Secretary Grade-I.

The grievance of the petitioner is that the respondents are not considering his case for promotion to the post of Panchayat Secretary Grade-I on the ground that charge memo dated 12.04.2018 is 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 Panchayat Secretary Grade-I 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 Panchayat Secretary Grade-I 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 of the learned counsel for the respective 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 in terms of G.O.Ms.No.257 dated 10.06.1999 and pass appropriate orders in accordance with law within a period of four 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

Date: 16-10-2019
Prv

