

**HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

**W.P.No.24257 of 2019**

**ORDER**

**This Writ Petition is filed seeking the following relief:**

“.....to issue an appropriate writ, direction, or order, more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not considering the case of the petitioner for promotion to the post of Deputy Executive Engineer from the post of Municipal Assistant Engineer without reference to charge Memo G.O.Rt.No.514 MA and UD (VIG.II) Department, dated 14.12.2015 as the enquiry officer has submitted his report dated 18.08.2019 holding the charges against the petitioner was not proved highly illegal and unjustified, with a direction to the respondents to promote the petitioner to the post of Deputy Executive Engineer from the post of Municipal Assistant Engineer without reference to charge memo G.O.Rt.No.514 MA and UD (VIG.II) Department, dated 14.12.2015 as the enquiry officer has submitted his report dated 18.08.2019 holding the charges against the petitioner was not proved and pass such other or further order or orders as the Hon’ble Court may deem fit and proper in the circumstances of the case.”

**Heard Sri M.V.S.Sari Kumar, learned counsel  
appearing for the petitioner, and learned Government**

Pleader for Municipal Administration and Urban Development appearing for the respondents.

It is the case of the petitioner that he is working as Municipal Assistant Engineer and that though he is eligible for promotion to the post of Deputy Executive Engineer, the respondents are not considering his case on the premise that charge memo is pending against him.

Learned counsel appearing for the petitioner contended that the State Government has framed guidelines in G.O.Ms.No.257, dated 10.6.1999 to consider the cases of employees for promotion against whom disciplinary proceedings/criminal proceedings are pending. As per G.O.Ms.No.257, dated 10.6.1999, 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 Executive Engineer in terms of G.O.Ms.No.257, dated 10.6.1999. Therefore, appropriate orders be passed in the writ petition directing the respondents to consider the case of the petitioner for promotion to the post of Deputy Executive Engineer in terms of G.O.Ms.No.257, dated 10.6.1999.

Learned Government Pleader appearing for the respondents contends that case of the petitioner would be considered in terms of G.O.Ms.No.257, dated 10.6.1999 and appropriate orders would be passed.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the 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 Deputy Executive Engineer in terms of G.O.Ms.No.257, dated 10.6.1999 and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order.

Accordingly, the Writ Petition is disposed of. No costs.

Miscellaneous petitions, pending, if any shall stand closed.

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JUSTICE ABHINAND KUMAR SHAVILI

*Date: 6.11.2019*

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