

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.24393 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 an appropriate Writ, direction or Order more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in delay in initiating and continuing the Disciplinary Proceedings vide charge memos vide G.O.Rt.No.308 MA and UD(VIG.I(2) Department dated 30.04.2018 and G.O.Rt.No.104 M.A and UD (VIG.I(2) Department dated 04.02.2019 against the petitioner and not considering the case of the petitioner for promotion to the post of Selection Grade Municipal Commissioner from the post of Special Grade Municipal Commissioner on the above charge Memos and set aside the same by holding it as is highly illegal and unjustified with a direction to the respondents to promote the petitioner to the post of Selection grade Municipal Commissioner from the post of Special Grade Municipal Commissioner without reference to the charge Memo vide G.O.Rt.No.308 MA and UD(VIG.I(2) Department dated 30.04.2018.....”.

Heard Mr.M.V.S.Sai Kumar, learned counsel for petitioner and the learned Government Pleader for respondents.

It has been contended by the petitioner that he is working as Special Grade Municipal Commissioner and he is fully eligible and qualified to be promoted to the post of Selection Grade Municipal Commissioner.

The grievance of the petitioner is that the respondents are not considering his case for promotion to the post of Selection Grade

Municipal Commissioner on the ground that charge memos dated dt.30.04.2018 and 04.02.2019 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 Selection Grade Municipal Commissioner 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 Selection Grade Municipal Commissioner 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 Selection Grade Municipal Commissioner 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 SHAVIL, J

Date: 07-11-2019
Prv



