

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.24967 of 2019

ORDER:

This Writ Petition is filed seeking a writ of mandamus declaring the action of the respondents in not considering the claim of the petitioner for promotion to the post of Superintending Engineer on the ground that Charge Memo issued vide G.O.Rt.No.578, MA and UD Department, dt.20.07.2018 is pending against him, as illegal and arbitrary and sought a consequential direction to direct the respondents to promote the petitioner to the post of Superintending Engineer without reference to the pendency of disciplinary proceedings.

Heard Sri P.Raghavender Reddy, learned counsel for the petitioner and the learned Government Pleader appearing for Services-II appearing for respondents.

It is contended by the petitioner that he is working as Executive Engineer and is eligible to be promoted to the post of Superintending Engineer. The grievance of the petitioner is that though he is very much eligible and qualified for promotion to the post of Superintending Engineer, the respondents are not considering his case for promotion to the said post on the ground that the disciplinary proceedings are pending against him.

Learned counsel for the petitioner contended that the State Government has taken a policy decision in G.O.Ms.No.257, dated 10.06.1999, wherein elaborate guidelines were framed by the State Government as to the consideration of the cases of

employees against whom disciplinary action and criminal cases are pending and the appointing authority must consider the cases of such employees who are facing disciplinary/criminal action as to whether they are entitled for promotion in spite of disciplinary/criminal proceedings are pending against them. But in the instant case, the respondents have not considered the case of the petitioner for promotion to the post of Superintending Engineer in terms of G.O.Ms.No.257, dated 10.06.1999. Therefore, he contended that appropriate orders be passed directing the respondents to consider case of the petitioner for promotion to the post of Superintending Engineer strictly in terms of the guidelines framed in the said G.O.

Learned Government Pleader submits that the case of the petitioner would be considered for promotion to the post of Superintending Engineer strictly in terms of the G.O.Ms.No.257, dated 10.06.1999, and appropriate orders would be passed.

Having regard to the rival submissions made by the parties, this Court is of the considered view that this Writ Petition can be disposed of by directing the respondents to consider the case of the petitioner for promotion to the post of Superintending Engineer strictly in terms of the 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 these observations, the Writ Petition is disposed of.
No costs.

As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

13.11.2019
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