

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.25252 of 2019

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Services-II. 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 :-

“.....writ of mandamus declaring the action of the respondents in not considering the case of the petitioner for next promotion to the post of Municipal Commissioner Grade III while considering the juniors of the petitioner on the sole ground that the disciplinary proceedings are pending against the petitioner vide Charge Memo in G.O.Rt.No.74 dated 30.01.2018 (Allegations relates to March 2017) issued by the 1st respondent as void, illegal, arbitrary, unconstitutional and violative of Articles 14 and 16 of the Constitution of India and consequently direct the 1st respondent to consider the case of the petitioner for promotion to the post of Municipal Commissioner Grade III without reference to pendency of disciplinary proceedings as per G.O.Ms.No.257 dated 10.06.1999 and to pass such other order or orders.....”

It has been contended by the petitioner that she is working as Revenue Officer Category III and is fully eligible and qualified to be promoted to the post of Municipal Commissioner Grade III.

The grievance of the petitioner is that the respondents are not considering her case for promotion to the post of Municipal Commissioner Grade III on the ground that disciplinary

proceedings in Charge Memo vide G.O.Rt.No.74 dt.30.01.2018 issued by the 1st respondent are pending against her.

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 Municipal Commissioner Grade III in terms of G.O.Ms.No.257 dated 10.06.1999. Therefore, learned counsel for petitioner contends that appropriate orders be passed in the writ petition directing the respondents to consider the case of the petitioner for promotion to the post of Municipal Commissioner Grade III in terms of G.O.Ms.No.257 dated 10.06.1999 and pass appropriate orders.

Learned Government Pleader appearing for respondents had 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 this writ petition can be disposed of directing the respondents to consider the case of the petitioner for promotion to the post of Municipal Commissioner Grade III

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 SHAVILI, J

Date: 18-11-2019
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