

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.25362 OF 2019

ORDER

This writ petition is filed seeking the following relief:

“...to issue writ, order or direction more particularly one in the nature of Writ of Mandamus by declaring the action of the respondents in not considering the claim of the petitioner for promotion to the post of Deputy Executive Engineer without reference to the charge memos issued *vide* G.O.Rt.No.368, MA and UD Department, dt 30.6.2017 and G.O.Rt.No.174, MA and UD Department, dt 20.2.2019 as per seniority and eligibility is illegal, arbitrary and violative of the principles of natural justice and consequently direct the respondents to promote the petitioner to the post of Deputy Executive Engineer without reference to the charge memos issued *vide* G.O.Rt.No.368 MA and UD Department dt 30.6.2017 and G.O.Rt.No.174 MA and UD Department, dt 20.2.2019 and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Heard Sri P.Raghavender Reddy, learned counsel appearing for the petitioner, 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 Assistant Executive 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 contends that the State Government has taken a policy decision in terms of G.O.Ms.No.66, General Administration (Services.C) Department, dated 30-01-1999, wherein it was directed that in respect of the employees who are facing disciplinary proceedings and whose cases fall under the group referred in para 2 (iii) of the said GO, the promotion/appointment by transfer to the next higher post shall be deferred only when a charge of misconduct was framed by the competent authority and served on the delinquent officer concerned or a charge sheet has been filed against him in a criminal Court as the case may be. Learned counsel further contends that the State Government has taken a policy decision in G.O.Ms.No.257, dated 10.06.1999, wherein it was directed to consider the case of the employees against whom disciplinary proceedings are pending in accordance with the guidelines framed thereunder.

Learned Government Pleader appearing for respondents contends that case of the petitioner would be considered in terms of G.O.Ms.No.257, dated 10.06.1999 and that 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 ends of justice would be met if a direction is given to the

respondents to consider the case of the petitioner for promotion to the post of Deputy Executive Engineer.

Accordingly, the Writ Petition is disposed of, directing the respondents to consider the case of the petitioner for promotion to the post of Deputy Executive Engineer strictly in terms of G.O.Ms.No.257, dated 10.06.1999 and also G.O.Ms.No.66, dated 30.01.1991 and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. No costs.

Miscellaneous petitions, pending, if any shall stand closed.

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JUSTICE ABHINAND KUMAR SHAVILI

*Date: 19.11.2019*

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