HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.27139 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 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 Senior Assistant / Tax Inspector without reference to the charge memo issued vide Procd.No.750/GA/OP3/GHMC/2009-3416 dt.11/8/2009 as per seniority and eligibility is illegal, arbitrary and voilative of the principles of natural justice and consequently direct the respondents to promote the petitioner to the post of Senior Assistant/Tax Inspector without reference to the charge memo issued vide Procd.No. 750/GA/OP3/GHMC/2009-3416 dt.11/8/2009 ....".

Heard Mr.P.Raghavender Reddy, learned counsel for petitioner and the learned Government Pleader for respondents.

It has been contended by the petitioner that he is working as Bill Collector/Junior Assistant and he is fully eligible and qualified to be promoted to the post of Senior Assistant/Tax Inspector.

The grievance of the petitioner is that the respondents are not considering his case for promotion to the post of Senior Assistant/Tax Inspector on the ground that disciplinary proceedings 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 Senior Assistant/Tax Inspector 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 Senior Assistant/Tax Inspector 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 Senior Assistant/Tax Inspector strictly 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: 09-12-2019
Prv