

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.27880 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, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd Respondent in belatedly initiating and continuing the disciplinary proceedings against the Petitioner pursuant to Charge Memo No. 1224/V3/V2/2014-1 dated 11.05.2018 for an alleged incident pertaining to the year 2014 in violation of Rule 20 of T.S.C.S (CC and A) Rules, 1996 and thereby denying promotion to the post of Motor Vehicle Inspector as being arbitrary, illegal, vitiated by the delay, contrary to the orders issued in G.O.Ms.No.679 dated 01.11.2018 and in violation of Articles 14 and 16 of the Constitution of India and further be pleased to declare that the Petitioner is entitled to be considered and promoted as Motor Vehicle Inspector with all consequential benefits....”.

Heard Mr.V.Ravichandran, learned counsel for petitioner and the learned Government Pleader for respondents.

It has been contended by the petitioner that he is working as Assistant Motor Vehicle Inspector and he is fully eligible and qualified to be promoted to the post of Motor Vehicle Inspector.

The grievance of the petitioner is that the respondents are not considering his case for promotion to the post of Motor Vehicle 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 Motor Vehicle 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 Motor Vehicle 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 Motor Vehicle Inspector 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: 16-12-2019
Prv

