

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.28865 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 by declaring the action of the 3rd respondent in initiating departmental proceedings vide impugned charge memo issued in Proceedings No.A5/ 1632/ 2019-1(A0C) dated 16.8.2019 and further appointing the enquiry officer proceedings No.A5/ 1632/ 2019-3 dated 16.8.2019 even prior to receipt of written statement of defense and thereby denying promotion to the post of Naib Tahsildar/ Deputy Tahsildar as being arbitrary, illegal, contrary to the provisions of Rule 20 of Telangana State and Subordinate Service (CC&A) Rules, 1991 and Rule 6 of State and Subordinate Service Rules 1996 and violation of Articles of 14 and 16 of the Constitution of India and consequently hold that petitioner is entitled to have his claim considered and be permitted as Naib Tahsildar with all consequential benefits without reference with the pendency of Proceedings No A5/ (1632) 2019-1 dated 16.8.2019.....”.

Heard Mr.D.Linga Rao, learned counsel for petitioner and the learned Government Pleader for respondents.

It has been contended by the petitioner that he is working as Senior Assistant and he is fully eligible and qualified to be promoted to the post of Naib Tahsildar/ Deputy Tahsildar.

The grievance of the petitioner is that the respondents are not considering his case for promotion to the post of Naib

Tahsildar/Deputy Tahsildar 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 Naib Tahsildar/Deputy Tahsildar 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 Naib Tahsildar/Deputy Tahsildar 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 Naib Tahsildar/Deputy Tahsildar 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: 30-12-2019
Prv



