

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.28932 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 to declare the action of the Respondents in not considering the case of the Petitioner for promotion to the post of Senior Assistant/ MRI on the ground of pendency of ACB/ TDP case as illegal, arbitrary, discriminatory and violative of Articles 14 and 16 of the Constitution of India and consequently direct the respondents to promote the Petitioner to the post of Senior Assistant/ MRI as per his seniority without reference to the pendency of ACB / TDP case considering his case as per G.O.Ms.No.66, General Administration (Service-C) Department, dt 30/01/1991 and as per G.O.Ms.No.257 dt.10/06/1999 as per the Law laid down by this Hon'ble Court in W.P.No.26954/2009 dt 02/03/2010.....”.

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

It has been contended by the petitioner that he is working as Village Revenue Officer and he is fully eligible and qualified to be promoted to the post of Senior Assistant/Mandal Revenue Inspector.

The grievance of the petitioner is that the respondents are not considering his case for promotion to the post of Senior Assistant/Mandal Revenue 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/Mandal Revenue 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/Mandal Revenue 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/Mandal Revenue 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: 30-12-2019
Prv

