

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.7373 of 2017

ORDER:

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 respondent authorities in not considering the candidature of the petitioner to his further promotional post as Line Inspector under the guise of pending S.C.No.409 of 2016 on the file of Assistant Sessions Judge, Sangareddy and even the Departmental enquiry is not yet initiated as similarly situated persons like the petitioner, even though criminal cases are pending or departmental proceedings are concluded, are promoted to their respective promotional post as illegal, arbitrary, intentional, deliberate, against law, colourable exercise of powers and violation of principles of natural justice and consequently direct the respondent authorities to consider the candidature of the petitioner to the next promotional post as Line Inspector and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Heard Mr. K.B. Ramanna Dora, counsel for the petitioner, and the Mr. Zakir Ali Danish, Standing Counsel appearing for the respondents.

It has been contended by the petitioner that he is working as Lineman with the respondents and he is eligible to be promoted to the

post of Line Inspector. The grievance of the petitioner is that though he is very much eligible and qualified for promotion to the post of Line Inspector, the respondents are not considering his case for promotion to the said post on the ground that criminal proceedings in S.C.No.409 of 2016 on the file of Assistant Sessions Judge, Sangareddy, is 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 Line 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 Line Inspector in terms of G.O.Ms.No.257 dated 10.06.1999 and pass appropriate orders.

Learned Standing Counsel appearing for respondents has contended that the case of the petitioner for promotion to the post of

Line Inspector 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 the petitioner for promotion to the post of Line Inspector in terms of G.O.Ms.No.257 dated 10.06.1999 and pass appropriate orders within a period of six 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

29.10.2019
v v

