

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.2835 of 2017

ORDER

This Writ Petition is filed seeking the following relief:

“.....to issue an order or direction more particularly one in the nature of Writ of Mandamus to declare the action of respondent in not considering the claim of petitioner for promotion to the post of Deputy Tahsildar on the ground of pendency of departmental proceedings is illegal, arbitrary and unconstitutional and with consequential direction to the respondents to consider the claim of the petitioner for promotion to the post of Deputy Tahsildar without reference to charge memo No A3 /3635/2012-1, dated 25.10.2013 with all consequential benefits and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Heard Sri S.Surender Reddy, learned counsel appearing for the petitioner, and learned Government Pleader for Services appearing for the respondents.

It is the case of the petitioner that he is working as Senior Assistant, and that though he is eligible for promotion to the post of Deputy Tahsildar, the respondents are not considering his case on the premise that a charge memo is pending against him.

Learned counsel appearing for the petitioner contended that the State Government has framed guidelines in

G.O.Ms.No.257, dated 10.6.1999 to consider the cases of employees for promotion against whom disciplinary proceedings/criminal proceedings are pending. As per G.O.Ms.No.257, dated 10.6.1999, 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 Deputy Tahsildar in terms of G.O.Ms.No.257, dated 10.6.1999. Therefore, appropriate orders be passed in the writ petition directing the respondents to consider the case of the petitioner for promotion to the post of Deputy Tahsildar in terms of G.O.Ms.No.257, dated 10.6.1999.

Learned Government Pleader appearing for respondents contends that case of the petitioner would be considered in terms of G.O.Ms.No.257, dated 10.6.1999 and that appropriate orders would be passed.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the view that ends of justice would be met if a direction is given to the respondents to consider the case of the petitioner for promotion to the post of Deputy Tahsildar.

Accordingly, the Writ Petition is disposed of, directing the respondents to consider the case of the petitioner for promotion to the post of Deputy Tahsildar strictly in terms of G.O.Ms.No.257, dated 10.6.1999 and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. No costs.

Miscellaneous petitions, pending, if any shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Date:11.11.2019
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