

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.40103 of 2018

ORDER:

This writ petition is filed seeking the following relief :-

“.... to issue a writ, order or direction especially one in the nature of writ of mandamus declaring that (a) action of the respondents in not promoting the petitioner as regular Superintending Engineer, while promoting the juniors to the petitioners is illegal, arbitrary and discriminatory violating Articles 14 and 16 of the Constitution of India (b) declare that petitioner is entitled to be promoted as Superintending Engineer without reference charge memos issued vide G.O.Rt.No.742, dt.17.10.2016 and G.O.Rt.No.750, dt.20.11.2017 and without reference to case pending on the file of Special Court for SPE and ACB cases, Hyderabad in C.C.No.23/ 2016.....”

Heard Mr.M.Srinivasa Rao, learned counsel for petitioner and the learned Government Pleaders for respondents.

It has been contended by the petitioner that he is fully eligible and qualified to be promoted to the post of Superintending Engineer, but the respondents are not considering his case for promotion to the post of Superintending Engineer on the ground that charge memos dated dt.17.10.2016 and 20.11.2017 and C.C.No.23 of 2016 are pending against him.

Learned counsel for petitioner has 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 Superintending Engineer 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 Superintending Engineer 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 Superintending Engineer 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: 28-06-2019
Prv

