

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.44295 of 2018

ORDER:

This writ petition is filed seeking a Writ of Mandamus declaring the action of respondents in not considering and further rejecting petitioner's claim for promotion to the post of Naib Tahsildar on the ground that criminal proceedings are pending vide C.C.No.275 of 2015 in respect of allegations pertaining to the year 2010 on the file of the Court of Judicial Magistrate of First Class at Jagtial vide Memo dated 04.02.2017, as arbitrary, unjust and violative of Articles 14 and 16 of Constitution of India and consequently hold that the petitioner is entitled to be considered and promoted as Naib Tahsildar with all consequential benefits without reference to the pendency of criminal proceedings in C.C.No.275 of 2015 in respect of allegations pertaining to the year 2010 on the file of the Court of Judicial Magistrate of First Class, Jagtial, in the interest of justice.

Heard Sri V.Ravichandran, counsel for petitioner and the learned Government Pleader for Services-II, for respondents.

It has been contended by the petitioner that she is working as Mandal Revenue Inspector and is fully eligible and qualified to be promoted as Naib Tahsildar, but the respondents are not considering her case for promotion on the ground that criminal proceedings in C.C.No.275 of 2015 are pending against her. Petitioner further contend that earlier, on the very same set of allegations, respondents have initiated disciplinary proceedings and imposed major penalty of

stoppage of two increments with cumulative effect and subsequently petitioner has preferred appeal and the appellate authority was pleased to modify the punishment of stoppage of two increments with cumulative effect to that of stoppage of one increment without cumulative effect. The petitioner further contend that the petitioner is entitled for promotion to the post of Naib Tahsildar in terms of G.O.Ms.No.257, dated 10.06.1999, as the State Government has taken a policy decision to examine the cases of all employees who are facing disciplinary action/criminal action, and as per the said policy, the competent authority must examine each individual case and pass specific order whether the employee is eligible to be promoted or not. But, without examining the case of the petitioner in terms of G.O.Ms.No.257, dated 10.06.1999, respondents have mechanically rejected the case of the petitioner for promotion to the post of Naib Tahsildar. Therefore, counsel for petitioner contend that appropriate orders be passed in the writ petition directing the respondents to consider the case of the petitioner for promotion to the post of Naib Tahsildar strictly in terms of G.O.Ms.No.257, dated 10.06.1999.

Learned Government Pleader appearing for respondents contend that since criminal proceedings are pending against the petitioner, the case of the petitioner was not considered for promotion, but however, the learned Government Pleader contend that the case of the petitioner will be examined in terms of G.O.Ms.No.257, dated 10.06.1999 and appropriate orders would be passed in accordance with law.

This Court, having considered the rival submissions of the parties, is of the considered view that this writ petition can be disposed of directing the respondents to consider the case of the petitioner for promotion to the post of Naib Tahsildar strictly 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 these observations, the writ petition is disposed of.
No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

25th January 2019

ajr