

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.46649 of 2018

ORDER:

This writ petition is filed seeking the following relief :-

“.... to issue any appropriate writ, order, direction more particularly one in the nature of writ of mandamus declaring the action of the 2nd respondent in not considering the Petitioner's case for promoting him as Tahsildar on par with his juniors, without reference to the pendency of the Criminal case registered against him, as arbitrary, illegal and violative of Articles 14, 16 and 21 of the Constitution of India and consequently direct the 2nd Respondent to promote the Petitioner as Tahsildar with all consequential benefits....”.

Heard Mr.Sri T.Suryakaran Reddy learned Senior Counsel representing Sri K.Staram, learned counsel for petitioner and the learned Government Pleader for Services-II.

It has been contended by the petitioner that he is working as Superintendent with the respondents and he is fully eligible and qualified to be promoted to the post of Tahsildar.

The grievance of the petitioner is that the respondents are not considering his case for promotion to the post of Tahsildar on the ground that a case in Cr.No.1/RCT-ACB-ADB/2016 dated 07.01.2016 is pending against him on the file of the Inspector of Police, A.C.B., Adilabad.

Learned counsel for petitioner contended that the petitioner was placed under suspension vide proceedings dated 19.01.2016 on the alleged involvement in ACB case and thereafter, no steps have been taken. The petitioner was reinstated into service on 14.06.2018. It is stated 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 the petitioner for promotion to the post of Tahsildar in terms of G.O.Ms.No.257 dated 10.06.1999 and G.O.Ms.No.66 dated 30.01.1991. Therefore, learned counsel for petitioner contends that appropriate orders be passed directing the respondents to consider the case of the petitioner for promotion to the post of Tahsildar in terms of G.O.Ms.No.257 dated 10.06.1999 and G.O.Ms.No.66 dated 30.01.1991 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 G.O.Ms.No.66 dated 30.01.1991 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 Tahsildar in terms of G.O.Ms.No.257 dated 10.06.1999 and G.O.Ms.No.66 dated 30.01.1991 and pass appropriate orders within four 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: 21-02-2019
Prv

