

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.47991 of 2018

ORDER:

This writ petition is filed seeking a Writ of Mandamus, declaring the action of respondents in not considering the case of petitioner for promotion to the post of Assistant Director of Town Planning merely on the ground of pendency of departmental proceedings against the petitioner, as illegal, arbitrary and violative of principles of natural justice and also violative of Articles 14 and 21 of the Constitution of India, and sought consequential directions directing the respondents to grant promotion to the petitioner to the post of Assistant Director of Town Planning without reference to the pending disciplinary proceedings against the petitioner.

Heard Sri Kowturu Pavan Kumar, counsel for petitioner and the Government Pleader for Services-III, appearing for respondents.

It has been contended by the petitioner that she has been working as Town Planning Officer and that she is fully eligible and qualified to be appointed as Assistant Director of Town Planning, but the respondents are not considering her case for promotion to the said post of Assistant Director of Town Planning on the ground that disciplinary proceedings have been initiated against the petitioner vide G.O.Rt.No.137, dated 10.03.2016. Counsel for petitioner contend that right to be considered is a fundamental right and the respondents cannot deny the same. Counsel for petitioner further contend that the State Government had taken a policy decision in G.O.Ms.No.257, dated 10.06.1999, wherein, various guidelines have been framed for the competent authority to pass appropriate orders as per the guidelines and contend that appropriate orders be passed directing the respondents to consider the case of the petitioner for promotion to the post of Assistant Director of Town Planning

without reference to the disciplinary proceedings initiated against the petitioner and also in terms of G.O.Ms.No.257, dated 10.06.1999.

The Government Pleader appearing for respondents contend that the case of the petitioner would be examined in terms of the guidelines framed in G.O.Ms.No.257, dated 10.06.1999 and appropriate orders will be passed in accordance with law.

This Court, having considered the rival submissions of the parties, is of the considered view that the case of the petitioner deserves to be considered for promotion to the post of Assistant Director of Town Planning in terms of the guidelines framed by the State Government in G.O.Ms.No.257, dated 10.06.1999. Therefore, this writ petition can be disposed of directing the respondents to consider the case of the petitioner for promotion to the post of Assistant Director of Town Planning in accordance with G.O.Ms.No.257, dated 10.06.1999 and pass appropriate orders within a period of four 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

2nd January, 2019

ajr