

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.47953 of 2018

ORDER:

This writ petition is filed seeking a Writ of Mandamus, holding the action of respondents in not considering the case of petitioner for promotion to the post of Inspector of Police on the ground of pendency of Criminal Case in Crime No.2/RCT/ACB-NZB/2017, dated 10.10.2017 of the ACB, Nizamabad Range for the offences under Sections 7 & 13(1)(d) r/w.13(2) & 12 of PC Act, while considering the claims of juniors for promotion as Inspector of Police, as illegal, arbitrary and contrary to the law and the Rules and sought consequential directions directing the respondents to consider the claim of petitioner for promotion as Inspector of Police without reference to the criminal case in Crime No.2/RCT/ACB-NZB/2017, dated 10.10.2017 of the ACB, Nizamabad Range for the offences under Sections 7 & 13(1)(d) r/w.13(2) & 12 of PC Act.

Heard Sri V.Maheswar Reddy, counsel for petitioner and the Assistant Government Pleader appearing on behalf of Special Government Pleader, for respondents.

It has been contended by the petitioner that he is working as a Sub-Inspector of Police in Nizamabad Range and he belongs to 2004 batch. The grievance of the petitioner is that respondents are not considering his case for promotion to the post of Inspector of Police on the ground that a criminal case was registered against the petitioner in Crime No.2/RCT/ACB-NZB/2017, dated 10.10.2017 of the ACB, Nizamabad Range for the offences under Sections 7 & 13(1)(d) r/w.13(2) & 12 of PC Act. Counsel for petitioner contend that only a criminal case

has been registered, and till it is proved that he is guilty of the offences alleged, his case can be considered for promotion. Counsel for petitioner contend that a false case has been registered against the petitioner and right to be considered for promotion, is a fundamental right guaranteed under the Constitution of India, therefore, contend that appropriate orders be passed in the writ petition directing the respondents to consider the case of the petitioner for promotion by taking into account the guidelines framed in G.O.Ms.No.257, dated 10.06.1999 and G.O.Ms.No. 66, dated 30.01.1991.

The learned Assistant Government Pleader appearing for respondents has contended that serious allegations have been levelled against the petitioner in the Criminal Case and the criminal proceedings are pending against the petitioner, therefore, the question of considering the case of petitioner for promotion would not arise. However, the learned Assistant Government Pleader further contend that the case of the petitioner would be considered for promotion in terms of G.O.Ms.No.257, dated 10.06.1999 and also G.O.Ms.No.66, dated 30.01.1991 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 this writ petition can be disposed of directing the respondents to consider the representation of the petitioner dated 13.11.2018 for promotion, by duly taking into account the guidelines framed in G.O.Ms.No.257, dated 10.06.1999 and G.O.Ms.No.66, dated 30.01.1991 and pass appropriate orders in

accordance with law 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

2nd January, 2019

ajr

