

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.712 of 2020

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Services-II. With the consent of learned counsel for the respective parties, this Writ Petition is disposed of at the admission stage.

This writ petition is filed seeking the following relief :-

“.....Writ of Mandamus and call for the records and direct the respondents to consider my case for promotion to the post of Administrative Officer in Zone-V, in my turn as per my seniority and merit without reference to the charge memo which was instituted in 2010 and was not concluded thought the Inquiry was completed in 2017 and without reference to the other charge memo for which the alleged difference of life tax was collected from the concerned owners and remitted to the Government exchequer but further action was not dropped with an intention to deny me the promotion which was a legitimate expectation after serving the Department for the last 28 years and serving as Senior Assistant since 12 years and to pass such other.....”

It has been contended by the petitioner that he is working as Senior Assistant and is fully eligible and qualified to be promoted to the post of Administrative Officer.

The grievance of the petitioner is that the respondents are not considering his case for promotion to the post of Administrative Officer on the ground that Charge Memo instituted in the year 2010 is pending against him.

Learned counsel for petitioner 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 Administrative Officer in terms of G.O.Ms.No.257 dated 10.06.1999. Therefore, learned counsel for petitioner contends 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 Administrative Officer in terms of G.O.Ms.No.257 dated 10.06.1999 and pass appropriate orders.

Learned Government Pleader appearing for respondents had 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 this writ petition can be disposed of directing the respondents to consider the case of the petitioner for promotion to the post of Administrative Officer 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 direction, this writ petition is disposed of.

No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 09-01-2020
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