

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.904 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 declaring the action of the 1st respondent in issuing proceedings No.782/Admn.B1/2018 dt.15.03.2019 with consequential proceedings Rc.No.98/E1/2017-18, dt.16.03.2019 without considering the representations of the Petitioner and consequentially direct the 1st Respondent to consider the case of the petitioner for his promotion as Superintendent by reverting his juniors or 3rd Respondent with all consequential benefits such as Seniority, monetary and all service benefits from the date of his private respondents 4 & 5 are promoted, in the interest of justice.....”

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 Superintendent.

The grievance of the petitioner is that the respondents are not considering his case for promotion to the post of Superintendent on the ground that disciplinary proceedings are 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 Superintendent 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 Superintendent 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 Superintendent 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: 10-01-2020
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