

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.1218 OF 2020

Dated:23.01.2020

Between:

Kannapuraju Rajasekhar, S/o. Hanumantha
Rao, aged about 43 years, Senior Assistant,
O/o. D.T.O., Komarambheem Asifabad
District, R/o. Mancheria

.. Petitioner

And

The State of Telangana, rep., by its
Principal Secretary to Government,
Transport, Roads & Buildings
Department, Secretariat, T.S.
Hyderabad and another

.. Respondents



This Court made the following:

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ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Services – I for the respondents.

2. Petitioner is working as Senior Assistant in the office of the District Transport Office (DTO) in Komarambheem Asifabad District. He is aspiring for promotion as Administrative Officer. His request for promotion was rejected by the Memo, dated 10.12.2019, impugned in the Writ Petition, on the ground that disciplinary proceedings are pending against him and therefore he cannot be granted promotion.

3. On 23.09.2016, charge memo was drawn against the petitioner. The enquiry officer conducted enquiry and submitted his report on 29.03.2019 holding that the charge framed against the petitioner as proved. It appears, there are several other officers/employees involved in the same disciplinary proceedings and common enquiry was conducted. Therefore, the DTO forwarded the report of the enquiry officer to the Government to take appropriate action and the matter is pending at the stage of taking further action on the findings recorded by the enquiry officer.

4. The claim of an employee for consideration for promotion pending disciplinary proceedings is regulated by the policy of the Government notified vide G.O.Ms.No.257, dated 10.06.1999. The scope of consideration of claims of employees for promotion pending disciplinary proceedings was considered in several decisions of this Court. Ordinarily, no employee can insist for promotion as a matter of course even when disciplinary proceedings are pending.

The policy of the Government notified vide G.O.Ms.No.257, dated 10.06.1999, deals with all contingencies when employee is involved in disciplinary proceedings. In tune with the said policy, the petitioner was informed by the impugned memo that his name would be placed before the ensuing Departmental Promotion Committee to consider him for promotion to the post of Administrative Officer subject to his seniority, eligibility, rule of reservation and zone of consideration.

5. An employee has right to seek for consideration for promotion, but cannot insist for grant of promotion as a matter of course. The memo impugned herein clearly points out that he would be considered as and when vacancies arise and promotions are taken up. Thus, the interest of the petitioner insofar as entitlement for consideration of his claim was already protected and assurance is given by the District Transport Officer. Therefore, petitioner cannot seek for setting aside the impugned memo and request for consequential direction for promotion without reference to the charge memo, more particularly since the matter is at the stage of finalizing the disciplinary proceedings based on the findings recorded by the enquiry officer against the petitioner. Therefore, the claim of the petitioner for consideration for promotion without reference to disciplinary proceedings is not valid and is contrary to the settled principle of law. The Writ Petition is liable to be dismissed.

6. The Writ Petition is accordingly dismissed. Pending miscellaneous petitions, if any, shall stand closed.

P. NAVEEN RAO, J

Date:23.01.2020

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