

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.4095 OF 2020

DATED :26.02.2020

Between :

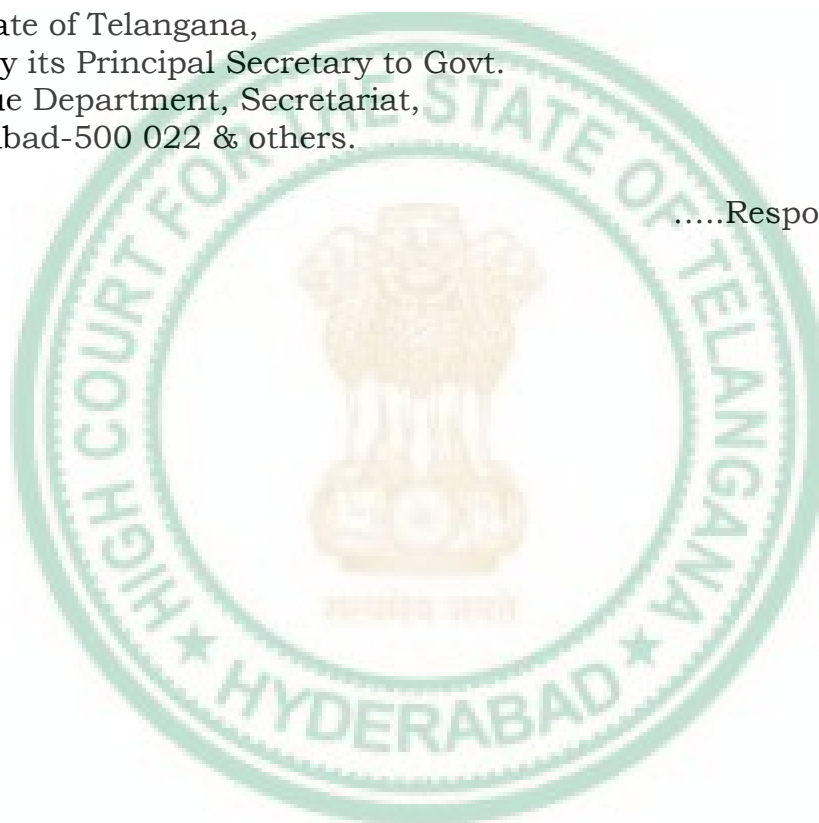
N.Srinivasulu S/o.Late Sri N.Narayana,
Aged about 52 yrs,
Occu : Deputy Commissioner of Commercial Taxes,
O/o.Commissioner, Commercial Taxes,
Nampally, Hyderabad, Telangana State.

..... Petitioner

And

The State of Telangana,
Rep., by its Principal Secretary to Govt.
Revenue Department, Secretariat,
Hyderabad-500 022 & others.

.....Respondents



The Court made the following:

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.4095 OF 2020

ORDER :

This writ petition is filed seeking to declare the action of respondents in not considering his case for promotion to the post of Joint Commissioner, as per G.O.Ms.No.257 dated 10.06.1999, even after completion of two years from the date of Departmental Promotion Committee meeting held on 20.01.2018 as illegal.

2. Heard learned Senior Counsel Sri K.G.Krishna Murthy appearing for the petitioner, learned Government Pleader for Services-I, appearing for the respondents 1 and 2 and learned Government Pleader for Services-II for learned Government Pleader for Commercial Taxes appearing for respondent No.3.

3. Learned Senior Counsel appearing for the petitioner placed reliance on G.O.Ms.No.257 dated 10.06.1999 and claims that merely because some departmental proceedings are pending on trivial charges, and merely because crime is registered by ACB, the entitlement of employee for consideration for promotion cannot be denied and the same would be amounting to arbitrary exercise of power and authority and is therefore, unconstitutional.

4. Learned Government Pleader points out that petitioner earlier filed W.P.No.12891 of 2018 and this Court by order dated 08.03.2019, directed the respondents therein to consider the case of petitioner for promotion to the post of Joint Commissioner, in accordance with G.O.Ms.No.257 dated 10.06.1999 and on due consideration, orders are passed on 08.08.2019, rejecting the request of petitioner to grant promotion. It is also further

submitted that in the criminal case, sanction for prosecution is already granted.

5. In addition to the criminal proceedings, two departmental proceedings are pending against the petitioner. In the first of the proceedings, Charge Memo was issued vide G.O.Rt.No.765 dated 18.12.2017 and G.O.Rt.No.8 dated 09.01.2018. Though both these disciplinary proceedings are pending, they are not the subject matter of this writ petition.

6. In other words, Petitioner is facing two disciplinary proceedings and one criminal proceeding and according to learned Senior Counsel as well as Assistant Government Pleader, sanction for prosecution is already granted. All these aspects were considered in detail and judgment was rendered after review of precedent decisions in **A. Jalander Reddy vs. State of Telangana**¹.

7. In view of the opinion expressed on the issue of entitlement for consideration for promotion in the said judgment, the claim of the petitioner is not valid and no relief as sought for can be granted. Moreover, the petitioner has not challenged the order dated 08.08.2019, rejecting his request for promotion.

8. Having regard to the above observations, the Writ Petition is dismissed. Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO,J

26th February, 2020
Rds

¹ 2017 (4) ALD 538