

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIRST DAY OF AUGUST
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION NO: 13263 OF 2020

Between:

G. Anjaiah, S/o. Late. Ramaiah, Age 50 years, Occ., Head Constable, KPHB PS, Cyberabad, R.R. District, R/o. H.No.5/26, Prasanth Nagar, Aminpur, Bandam Kommu (Mandal), Sanga Reddy District, State of Telangana.

...PETITIONER

AND

1. The State of Telangana, rep. by it's Principal Secretary, Home Department, Secretariat Building, Hyderabad.
2. The Director General of Police, State of Telangana, Lakadikapool, Hyderabad.
3. The Commissioner of Police, Cyberabad, Hyderabad.
4. Station Police Officer, KPHB, Cyberabad, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ order or direction more particularly one in the nature of writ of Mandamus, in action of the respondents in not considering regular promotion to the post of Head constable w.e.f. 1-08-20014 and in terms of G.O.R.T.No.416, Home (ser-II) dept 20/05/2019 in action of the 3rd respondent by holding the same as illegal, arbitrary, unreasonable and violation of principles of natural and unconstitutional and it amounts to violation of Articles 14, 16 and 21 of the Constitution of India and contrary to the Rules and direct the respondents to consider the petitioners as Head Constable and other promotions on par with his juniors in terms of G.O.Ms.No:529 General administration (services-C) department 19/08/2008 with all consequential benefits such as seniority, promotion etc.,

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the 3rd respondent to consider the Representation dated 3/07/2020 and dispose of the same.

Counsel for the Petitioner: SRI. P. LAKSHMANA RAO

Counsel for the Respondents: SRI. M.V. RAMA RAO, SC FOR TSLPRB

The Court at the stage of admission made the following: ORDER

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO. 13263 OF 2020

ORDER:

Heard learned counsel for petitioner and Mr M V Rama Rao, learned counsel for respondents and with their consent, writ petition is taken up for disposal at the stage of admission itself.

2. Petitioner was earlier promoted as Head Constable on 1.8.2014. While he was on probation, order of reversion was passed on the ground that disciplinary proceedings were pending. This order of reversion was challenged in W P No.39984 of 2016 and by virtue of interim directions granted by this Court, petitioner continued as Head Constable. While so, by order dated 21.10.2017 petitioner was imposed with punishment of postponement of two annual increments with effect on future increments and pension. Appeal filed by the petitioner was also rejected. In the revision filed before the Government, orders were passed on 4.7.2019 modifying the punishment of postponement of two annual increments with effect on future increments and pension to that of censure. After modification of punishment, contending that punishment was already undergone by petitioner, he should be considered for promotion, a representation was made to the Commissioner of Police, Hyderabad on 3.7.2020. Petitioner now contends that representation is not disposed of and he is not considered for promotion. Hence this writ petition.

3. When the matter is taken up, learned counsel for petitioner submits that in this writ petition though petitioner sought for grant of promotion on par with his juniors from the retrospective date, in the representation submitted by petitioner, he only sought to grant promotion from the date of completion of punishment and seeks a direction to Commissioner of Police to consider the representation of the petitioner and pass appropriate orders within a reasonable time.

He further submits that petitioner also undertakes to withdraw pending W P No. 39984 of 2016.

4. Sri M V Rama Rao, learned counsel appearing for respondents has no objection, if direction is given for consideration of representation to grant promotion after currency of period of punishment is over.

5. In view thereof, recording the submissions of the learned counsel for petitioner that if his representation dated 3.7.2020 is considered he will not prosecute W.P. 39984 of 2016 and withdraw the same, this writ petition is disposed of directing the Commissioner of Police/third respondent to examine the claim of the petitioner to grant promotion prospectively after completion of period of currency of punishment of censure in accordance with orders of the Government dated 4.7.2019 and pass appropriate orders as expeditiously as possible. No costs. Miscellaneous petitions, if any pending, stand closed.

SD/- CH.VENKATESWARULU
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Commissioner of Police, Cyberabad, Hyderabad.
2. The Station Police Officer, KPHB, Cyberabad, Hyderabad.
3. One CC to Sri P. Lakshmana Rao Advocate [OPUC]
4. Two CCs to the GP for Home, High Court for the State of Telangana at Hyderabad. (OUT)
5. One CC to Sri. M.V. Rama Rao, SC FOR TSLPRB [OPUC]
6. Two CD Copies

CHR



HIGH COURT

DATED:21/08/2020



ORDER

W.P.No.13263 of 2020

DISPOSING OF THE WRIT PETITION
AT THE STAGE OF ADMISSION
WITHOUT COSTS

8 VLV
31/8/20