

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.17525 OF 2020

ORDER:

With the consent of both the parties, this writ petition is being disposed of, at the admission stage.

This writ petition is filed for the following relief:-

“.....Writ of Mandamus declaring that the petitioner is entitled for promotion to the post of Deputy Collector as per his seniority and eligibility with all consequential benefits by holding the action of the respondents in not considering the just claim of the petitioner for promotion/appointment by transfer to the post of Deputy Collector as per seniority and eligibility without any justification or reasonable cause on the untenable ground that the departmental enquiry for the incident relates to the year 2013 is pending vide Charge Memo in CCLA's Ref.No.VSIV(1)/221/2013, dated 21.11.2017 issued by the 2nd respondent is as illegal, arbitrary, unjust, discriminatory and violative of Articles 14, 16 and 21 of the Constitution of India besides being contrary to the instructions issued by the Government and also contrary to the law on the subject.....”

Heard Sri P.Narasimha, learned counsel for the petitioner and the learned Government Pleader for Services-II.

Learned counsel for the petitioner contends that though the petitioner is working as Tahsildar and is fully eligible and qualified for promotion to the post of Deputy Collector, the respondents are not considering his case for promotion to the said post on the ground of pendency of departmental enquiry vide Charge Memo in CCLA's Ref.No.VSIV(1)/221/2013, dated 21.11.2017 issued by the 2nd respondent against him.

Learned counsel for the petitioner further contends that the State Government has issued G.O.Ms.No.257, dated 10.06.1999,

wherein the State Government formulated certain guidelines in respect of the employees against whom disciplinary proceedings or criminal proceedings are pending and their suitability for the next promotional avenues and as per the said G.O., the competent authority must consider the cases of the employees against whom disciplinary proceedings are pending and pass orders as to whether the charges levelled against the said employees are involving moral turpitude or misappropriation of funds and whether they are fit for next promotion, in spite of pendency of disciplinary proceedings against them.

Learned counsel for the petitioner contends that in the instant case, the appointing authority has not examined the case of the petitioner in terms of the guidelines formulated in G.O.Ms.No.257, dated 10.06.1999 and mechanically not considering the case of the petitioner for promotion to the post of Deputy Collector. Therefore, the learned counsel contends that appropriate orders be passed in the writ petition directing the respondents to examine the case of the petitioner in terms of the guidelines formulated in G.O.Ms.No.257, dated 10.06.1999 and pass appropriate orders.

On the other hand, the learned Government Pleader contends that the case of the petitioner will be considered and appropriate orders would be passed in terms of the guidelines formulated in G.O.Ms.No.257, dated 10.06.1999.

This Court, having considered the rival submissions of the learned counsel for the respective parties, 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 Deputy Collector strictly in terms of G.O.Ms.No.257, dated 10.06.1999 and pass appropriate orders in accordance with law within a period of four (4) weeks from the date of receipt of a copy of this order.

With the above observations, the writ petition is disposed of.
No order as to costs.

As a sequel, miscellaneous petitions pending, if any, in this writ petition shall stand closed.

ABHINAND KUMAR SHAVILI,J

Date: 06.10.2020
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