

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.21706 of 2020

ORDER:

This writ petition is being disposed of at the admission stage with the consent of learned counsel for the respective parties.

This writ petition is filed seeking the following relief:

“.... to issue Writ order or direction, more particularly, one in the nature of Writ of Mandamus declaring the action of the respondents in not considering the case of the petitioner for promotion to the cadre of District Civil Supplies Officer, though the punishment awarded for stoppage of two increments with cumulative effect was over by March 2018, as illegal, arbitrary, unjust, unreasonable and also declare the action of the respondents in not following the Roster Point-8 (ST-Woman) under the Rule of Reservation, as illegal, arbitrary, unjust and unreasonable and contrary to the principles of natural justice and contrary to Articles 14 and 16 of the Constitution of India, and consequently, direct the respondents to consider the case of the petitioner for promotion to the cadre of District Civil Supplies Officer on par with his juniors by following Roster Point-8 (ST-Woman) with all consequential benefits and pass such other order or orders

Heard Sri M. Ratna Reddy, learned counsel appearing for the petitioner, and the learned Government Pleader for Civil Supplies appearing for the respondents.

It has been contended by the petitioner that while she was working as a Assistant Supply Officer, the Disciplinary Authority had placed her under suspension vide proceedings

CCS Ref.No.Admn-1(3)/159/2014, dated 25.06.2014 on the alleged ground that she had indulged in certain irregularities while distributing the Ration Cards. Thereafter, a regular enquiry was conducted and the Disciplinary Authority had imposed the punishment of stoppage of two increments with cumulative effect vide proceedings CCS Ref.No.Admn-1(3)/159/2014, dated 22.03.2016 and also revoked the suspension orders.

Learned counsel for the petitioner contended that two years period of currency of punishment imposed against the petitioner had expired by March, 2018. Even assuming that twice punishment is imposed, four years period from the date of punishment i.e., on 22.03.2016, expired by 22.03.2020 and the petitioner is eligible for promotion, but the respondents are not considering the case of the petitioner for promotion to the post of District Civil Supplies Officer. Learned counsel for the petitioner further contended that though a junior to the petitioner, who is at Sl.No.23 in the Seniority List, was considered for promotion, the respondents are not considering the case of the petitioner, who is at Sl.No.20, for promotion to the post of District Civil Supplies Officer. Learned counsel for the petitioner, therefore, contended that since the punishment period is over by March, 2018, the respondents must consider the case of the petitioner for promotion to the post of District Civil Supplies Officer in accordance with the Rules.

Learned Government Pleader for Civil Supplies appearing for the respondents had contended that since the currency of punishment period of the petitioner was expired in March, 2018, as and when the respondents would undertake the exercise of giving promotion to the posts of District Civil Supplies Officer, the case of the petitioner would be considered in accordance with the Rules.

This Court, having considered the rival submissions made by 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 posts of District Civil Supplies Officer as the currency of the punishment period imposed by the Disciplinary Authority against the petitioner had expired, as and when the respondents undertake the exercise of giving promotion to the posts of District Civil Supplies Officer, the respondents shall consider the case of the petitioner for the said post in accordance with the Rules.

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

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

09.12.2020
Msr

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