

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.22706 of 2020

ORDER

This Writ Petition is filed seeking the following relief:

“to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus to declare the action of the respondents in not considering the case of the petitioner for promotion to the post of Regional Transportation Officer RTO on the ground of pendency of disciplinary proceedings and making inordinate delay in concluding the disciplinary proceedings as illegal, arbitrary, discriminatory and violative of Articles 14 and 16 of the Constitution of India and consequently direct the respondents to promote the petitioner to the post of Regional Transportation Officer (RTO) as per his seniority without reference to the disciplinary proceedings pending against him from the date of his eligibility with all service and monetary benefits and to pass such other order(s) as are deemed fit and proper in the interest of justice.”

Heard Sri N.Harinath, learned counsel appearing for the petitioner, and learned Government Pleader for Transport appearing for the respondents.

It is the case of the petitioner that he is working as Administrative Officer, and that though he is eligible for promotion to the post of Regional Transportation Officer (RTO), the respondents are not considering his case on the premise of pendency of Charge Memo dated 28.12.2012.

Learned counsel appearing for the petitioner contends that the State Government has taken a policy decision in terms of G.O.Ms.No.66, General Administration (Services.C) Department, dated 30-01-1991, wherein it was directed that in respect of the employees who are facing disciplinary proceedings and whose cases fall under the group referred in para 2 (iii) of the said GO, the promotion/appointment by transfer to the next higher post shall be deferred only when a charge of misconduct was framed by the competent authority and served on the delinquent officer concerned or a charge sheet has been filed against him in a criminal Court as the case may be. Learned counsel further contends that the State Government has taken a policy decision in G.O.Ms.No.257, dated 10.06.1999, wherein it was directed to consider the case of the employees against whom disciplinary proceedings are pending in accordance with the guidelines framed thereunder.

Learned Government Pleader appearing for respondents contends that case of the petitioner would be considered in terms of G.O.Ms.No.257, dated 10.06.1999 and that appropriate orders would be passed.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the view that ends of justice would be met if a direction is given to the

respondents to consider the case of the petitioner for promotion to the post of Regional Transportation Officer.

Accordingly, the Writ Petition is disposed of, directing the respondents to consider the case of the petitioner for promotion to the post of Regional Transportation Officer strictly in terms of G.O.Ms.No.257, dated 10.06.1999 and also G.O.Ms.No.66, dated 30.01.1991 and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. No costs.

Miscellaneous petitions, pending, if any shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Date: 14.12.2020

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