

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

TUESDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO. 24079 OF 2020

Between:

Smt. A. Padmaja, W/o. Nagabhushanam, Aged about 50 years, Occ: Senior Assistant,
Office of Tahsildar, Mothey Mandal, Suryapet District, TS.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Revenue Department,
Telangana Secretariat, Hyderabad.
2. The Chief Commissioner of Land Administration, Telangana State, Hyderabad.
3. The District Collector, Nalgonda District, Nalgonda, TS.

...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 call for the records from the Respondents and issue an appropriate Writ, Order or Direction, particularly one in the nature of Writ of Mandamus, declaring that the action of Respondents in not considering case of petitioner for promotion to the post of Deputy Tahsildar and promoting several juniors to her as illegal, unjust, contrary to law, arbitrary, discriminatory, contrary to G.O.Ms.No.257, dated 10.06.1999, contrary to the judgment rendered in the case of State of Punjab and another versus Chaman Lal Goyal and violative of Articles 14 and 16 of the Constitution of India, and consequently direct the Respondents to consider case of the petitioner for promotion to the post of Deputy Tahsildar on par with her juniors by granting all consequential benefits.

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 Respondents to promote petitioner to the post of Deputy Tahsildar on par with her juniors by considering petitioner's representation to the 3rd respondent dated 24.11.2020 in accordance with G.O.Ms.No.257, dated 10.06.1999, pending disposal of the Writ Petition.

Counsel for the Petitioner: SRI A. K. JAYAPRAKASH RAO

Counsel for the Respondents: GP FOR REVENUE

The Court made the following: ORDER

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.24079 of 2020

ORDER:

This Writ Petition is filed seeking Writ of Mandamus declaring the action of the respondents in not considering the case of the petitioner for promotion to the post of Deputy Tahsildar and promoting several juniors to her only on the ground that departmental proceedings initiated against the petitioner are pending, as illegal, arbitrary and contrary to G.O.Ms.No.257, dated 10.06.1999 and also contrary to the judgment rendered in the case of STATE OF PUNJAB AND ANOTHER VS. CHAMAN LAL GOYAL - (1995) 2 SCC 570 and also violative of Articles 14 and 16 of the Constitution of India, and sought a consequential direction to direct the respondents to promote the petitioner to the post of Deputy Tahsildar on par with her juniors by granting all consequential benefits.

Heard Sri A.K. Jayaprakash Rao, learned counsel appearing for the petitioner and the learned Government Pleader for Revenue appearing for the respondents.

It is contended by the petitioner that she is working as a Senior Assistant and is provisionally eligible and qualified to the post of Deputy Tahsildar. The grievance of the

petitioner is that though she is very much eligible and qualified for promotion to the post of Deputy Tahsildar, the respondents are not considering her case for promotion to the said post on the ground that the disciplinary proceedings are pending against her.

Learned counsel for the petitioner had contended that the State Government has taken a policy decision in G.O.Ms.No.257, dated 10.06.1999 wherein elaborate guidelines were framed by the State Government as to the consideration of the cases of employees against whom disciplinary action and criminal cases are pending and the appointing authority must consider the cases of such employees who are facing disciplinary/criminal action as to whether they are entitled for promotion in spite of disciplinary/criminal proceedings are pending against them. But in the instant case, the respondents have not considered the case of the petitioner for promotion to the post of Deputy Tahsildar in terms of the guidelines issued in G.O.Ms.No.257, dated 10.06.1999. Therefore, learned counsel for the petitioner had contended that appropriate orders be passed in the Writ Petition directing the respondents to consider case of the petitioner for promotion to the post of Deputy Tahsildar, strictly, in terms of the guidelines framed in the said G.O.Ms.No.257, dated 10.06.1999.

Learned Government Pleader for Services-II appearing for the respondents submits that the case of the petitioner would be considered for promotion to the post of Deputy Tahsildar, strictly, in terms of the G.O.Ms.No.257, dated 10.06.1999 and appropriate orders would be passed.

Having regard to the rival submissions made by the learned counsel for respective parties, this Court 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 Tahsildar, strictly, in terms of the guidelines issued in G.O.Ms.No.257, dated 10.06.1999 and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order.

With the above observations, this Writ Petition is disposed of. No order as to costs.

As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

SD/-V.SUDHA
ASSISTANT REGISTRAR
SECTION OFFICER

//TRUE COPY//

To,

1. The Principal Secretary, Revenue Department, State of Telangana, Telangana Secretariat, Hyderabad.
2. The Chief Commissioner of Land Administration, Telangana State, Hyderabad.
3. The District Collector, Nalgonda District, Nalgonda, TS.
4. One CC to Sri A. K. Jayaprakash Rao, Advocate [OPUC]
5. Two CCs to GP for Revenue, High Court for the State of Telangana at Hyderabad. [OUT]
6. Two CD Copies.

MP



HIGH COURT

DATED:29/12/2020

ORDER

WP.No.24079 of 2020



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

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RMA
07/01/2021