

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.4928 of 2021

ORDER:

This writ petition is filed seeking a Writ of Mandamus declaring the action of respondents in not considering the case of the petitioner for promotion to the post of Assistant Divisional Engineer (Electrical) under the guise of pendency of criminal case in C.C.No.89 of 2015 on the file of the Special Judge for SPE & ACB Cases, Karimnagar, and thereby depriving promotion, as illegal and arbitrary and sought a further direction to hold that the petitioner is entitled to have his case considered and be promoted to the post of Assistant Divisional Engineer (Electrical) without reference to the pendency of criminal case in C.C.No.89 of 2015 on the file of the Special Judge for SPE & ACB Cases, Karimnagar and to grant all consequential benefits forthwith.

Heard Mr. D.Sudharshan, learned counsel for the petitioner, and Sri Zakir Ali Danish, Standing Counsel appearing for respondents 1 to 3.

It has been contended by the petitioner that he is working as Assistant Engineer in the respondent Company and he is fully eligible and qualified to be promoted to the post of Assistant Divisional Engineer (Electrical).

The grievance of the petitioner is that the respondents are not considering his case for promotion to the post of Assistant Divisional Engineer (Electrical) on the ground that criminal case in C.C.No.89

of 2015 on the file of the Special Judge for SPE and ACB Cases at Karimnagar, is pending against him.

Learned counsel for petitioner contended that the State Government has framed guidelines in G.O.Ms.No.257 dated 10.06.1999 to consider the cases of employees for promotion against whom disciplinary proceedings/criminal proceedings are pending. As per G.O.Ms.No.257 dated 10.06.1999, the competent authority must consider the cases of employees against whom disciplinary proceedings/criminal proceedings are pending and pass appropriate orders as to whether they are eligible for promotion. But, in the instant case, the respondents are not considering the case of the petitioner for promotion to the post of Assistant Divisional Engineer (Electrical) in terms of G.O.Ms.No.257 dated 10.06.1999. Therefore, learned counsel for petitioner contends that appropriate orders be passed directing the respondents to consider the case of petitioner for promotion to the post of Assistant Divisional Engineer (Electrical) in terms of G.O.Ms.No.257 dated 10.06.1999 and pass appropriate orders.

Learned Government Pleader appearing for respondents has contended that the case of the petitioner will be considered for promotion to the post of Assistant Divisional Engineer (Electrical) in terms of G.O.Ms.No.257 dated 10.06.1999 and appropriate orders would be passed.

This Court, having considered the rival submissions, is of the considered view that the writ petition can be disposed of directing the respondents to consider the case of petitioner for promotion to

the post of Assistant Divisional Engineer (Electrical) strictly in terms of 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, the writ petition is disposed of.
No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

Date: 02-03-2021
v v

ABHINAND KUMAR SHAVIL, J

