

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

THURSDAY, THE FOURTH DAY OF MARCH
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO: 5339 OF 2021

Between:

K. M. R. Hari, W/o, K. Yellaiah, Aged about 57 years, working as Assistant City Planner (Assistant Director), Circle-19, Yousufguda, Greater Hyderabad Municipal Corporation, Hyderabad

...PETITIONER

AND

1. The State of Telangana, Rep by its Principal Secretary, Municipal Administration and Urban Development, Secretariat Buildings, Secretariat, Hyderabad -500022
2. The Director of Town and country planning, Telangana, A. C. Guards Lakdikapool, Hyderabad -500038.

...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 issue an appropriate Writ, direction, or Order, more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in delay in initiating and continuing the Disciplinary Proceedings vide charge memos vide G.O.Rt.No.436 MA and UD (VIG.II (1) Department dated 25-07-2017 and G.O.Rt.No.672 MA and UD (VIG.II (1) Department dated 26-10-2017 issued by the 1st respondent against the petitioner though more than 5 years was elapsed and set aside the same by holding the same it as highly illegal, unjustified and violation of the rules in force and with direction to the respondents to promote the petitioner to the post of Deputy Director Town and Country Planning from the post of Assistant Director Town and Country Planning without reference to charge memos G.O.Rt.No.436 MA and UD (VIG.II (1) Department dated 25-07-2017 and G.O.Rt.No.672 MA and UD (VIG.II (1) Department dated 26-10-2017 issued by the 1st respondent.

IA NO: 1 OF 2021

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 consider the case of the petitioner for promotion to promote the petitioner to the post of Deputy Director Town and Country Planning from the post of Assistant Director Town and Country Planning without reference to charge memos Vide G.O.Rt.No.436 MA and UD (VIG.II (1) Department dated 25-07-2017 and G.O.Rt.No.672 MA and UD (VIG.II (1) Department dated 26-10-2017 issued by the 1st respondent.

**Counsel for the Petitioner: SRI M. V. S. SAI KUMAR
Counsel for the Respondents: GP FOR SERVICES-II**

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.5339 of 2021

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 an appropriate Writ direction or Order, more particularly, one in the nature of Writ of Mandamus declaring the action of the Respondents in delay in initiating and continuing the Disciplinary Proceedings vide charge memos vide G.O.Rt.No.436, MA and UD (VIG.II(1)) Department, dated 25.07.2017 and G.O.Rt.No.672, MA and UD (VIG.II(1)) Department, dated 26.10.2017 issued by the 1st respondent against the petitioner though more than 5 years was elapsed and set aside the same by holding the same it as highly illegal, unjustified and violation of the rules in force and with direction to the respondents to promote the petitioner to the post of Deputy Director Town and Country Planning from the post of Assistant Director Town and Country Planning without reference to charge memos G.O.Rt.No.436, MA and UD (VIG.II(1)) Department, dated 25.07.2017 and G.O.Rt.No.672, MA and UD (VIG.II(1)) Department, dated 26.10.2017 issued by the 1st respondent and pass such other order or orders"

Heard Sri M.V.S. Sai Kumar, learned counsel appearing for the petitioner and the learned Government Pleader for Services-II appearing for the respondents.

It has been contended by the petitioner that he is working as a Assistant Director of Town and Country Planning, Circle No.19, Yousufguda, Greater Hyderabad Municipal Corporation, Hyderabad, and he is fully eligible and qualified to be promoted to the post of Deputy Director of Town and Country Planning.

The grievance of the petitioner is that the respondents are not considering his case for promotion to the post of Deputy Director of Town and Country Planning, on the ground of pendency of Charge Memos vide G.O.Rt.No.436, MA and UD (VIG.II(1)) Department, dated 25.07.2017 and G.O.Rt.No.672, MA and UD (VIG.II(1)) Department, dated 26.10.2017 issued by respondent No.1.

Learned counsel for the petitioner contends that the State Government has issued G.O.Ms.No.257, dated 10.06.1999, wherein the State Government had 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 his case for promotion to the post of Deputy Director of Town and Country Planning, from the post of Assistant Director of Town and Country Planning. 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 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 Director of Town and Country Planning, from the post of Assistant Director of Town and Country Planning, 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. No order as to costs.

Consequently, Miscellaneous Petitions, if any pending, shall stand closed.

//TRUE COPY//

SD/-K.SAILESHI
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Principal Secretary, Municipal Administration and Urban Development, State of Telangana, Secretariat Buildings, Secretariat, Hyderabad -500022
2. The Director of Town and country planning, Telangana, A, C.Guards Lakidikapool, Hyderabad -500038.
3. One CC to Sri M. V. S. Sai Kumar, Advocate [OPUC]
4. Two CCs to GP for Services-II, High Court for the State of Telangana at Hyderabad. [OUT]
5. Two CD Copies

STM



HIGH COURT

DATED:04/03/2021

ORDER

WP.No.5339 of 2021



DISPOSING OF THE WP
WITHOUT COSTS

⑦ NLV
10/3/21