

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

**THURSDAY, THE SEVENTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION NO: 24536 OF 2019

Between:

B.Vinai Kumar, S/o.Neelakantiah, Aged about 30 years, Occ. Village Revenue Officer, Presently working as VRO at Irwin Village, Madugula Mandal, Ranga Reddy District.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Revenue Department, Telangana Secretariat, Hyderabad.
2. The District Collector, Ranga Reddy District, Lakdi-ka-pool, Hyderabad.
3. I.L.B. Haripriya, The Special Deputy Collector, Urban Land Ceiling (Wing), Ranga Reddy District. (Enquiry Officer).
4. The Tahsildhar, Abdullapurmet Mandal, Ranga Reddy District.

...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 order or direction more particularly one in the Writ of Mandamus, to declare the proceedings No.A5/04/2019 dated .10.2019 on the file of the 2nd respondent as unjust, unreasonable, illegal, contrary to Rule 20 of Telangana State Civil Services(Classification, Control and Appeal) Rules, 1991 apart from violation of principles of natural justice and violation of Article 14 of Constitution of India and thereby to set aside the same by granting consequential and attendants benefits to the petitioner.

IA NO: 1 OF 2019

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 2nd respondent to consider the case of the petitioner for promotion to the post of Senior Assistant without reference to the impugned proceedings No.A5/04/2019 dated .10.2019 on the file of the 2nd respondent.

Counsel for the Petitioner: SRI M.VENKAT RAM REDDY

Counsel for the Respondent Nos.1,2 & 4: GP FOR SERVICES-I

Counsel for the Respondent No.3: None Appeared

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE T. VINOD KUMAR

WRIT PETITION No.24536 of 2019

ORDER:

This Writ Petition is filed with the following prayer:

"To issue order or direction more particularly one in the Writ of Mandamus, to declare the proceedings No.A5/04/2019 dated .10.2019 on the file of the 2nd respondent as unjust, unreasonable, illegal, contrary to Rule 20 of Telangana State Civil Services (Classification, Control and Appeal) Rules, 1991 apart from violation of principles of natural justice and violation of Article 14 of the Constitution of India and thereby to set aside the same by granting consequential and attendant benefits to the petitioner".

2. Heard learned counsel for the petitioner and the learned Government Pleader for Services II appearing for respondents.
3. In this Writ Petition the petitioner has impugned the order dated Nil-10-2019 passed by the 2nd respondent where under minor punishment, of withholding of one increment without cumulative effect under Rule 22 of A.P.C.S (C.C.A) Rules, 1991 for acting in dereliction of duties and allowing illegal constructions to come up in the area of his functioning, has been imposed on him.

4. The said order imposing minor punishment was passed by the 2nd respondent considering the explanation filed by the petitioner to the charge Memo issued and taking note of the final enquiry report dated 16.07.2019 submitted by the 3rd respondent.

5. When the above Writ Petition is taken up for hearing, learned Counsel appearing for the petitioner contends that, though the petitioner had initially filed the present Writ Petition challenging the impugned order of withholding of one increment, since the impugned order is to be effective for a period of one year and as the said period is already over, the main grievance in the Writ Petition does not survive for consideration by this Court.

6. The learned Counsel for the petitioner however contends that by virtue of the pendency of enquiry and imposition of minor punishment of withholding of one increment, the petitioner's case was not considered for promotion during the year 2019 from Village Revenue Officer to Senior Assistant. Since the said period of one year, during which period the punishment was in force, is already over, petitioner is now eligible to be considered for promotion.

7. Counter-affidavit on behalf of respondents is filed. The learned Government Pleader by drawing attention of this Court to para 10 of the counter-affidavit would submit that the petitioner was not considered for promotion during the year 2019 as there was an ongoing enquiry pending against the petitioner, which finally resulted in imposition of minor punishment by the impugned proceedings dated 05.10.2019.

8. Learned Government Pleader would further submit that at the relevant point of time, persons like the petitioners who are working as Village Revenue Officers (VROs), a promotion channel was created for being promoted to Senior Assistant in the Revenue Department. However, due to subsequent events, the office of Village Revenue Officer itself has been abolished by the State Government on 09.09.2020 and, therefore, the promotion channel that has been created earlier from the post of V.R.O. to Senior Assistant does not exist now.

9. It is contended by the learned Government Pleader that presently V.R.Os are being continued in the Revenue Department and are being assigned allied jobs without specific functional role.

10. He would further submit that on account of abolition of the post of V.R.Os, the decision of absorption of V.R.Os in other departments is pending consideration with the Government.

11. I have taken note of the submissions.

12. It is not in dispute that the period of minor punishment imposed on the petitioner is over by October, 2020. Thus, the petitioner becomes entitled to be considered for promotion after expiry of the period of punishment of one year. Though it is contended that the office of V.R.O itself is abolished by the Government in 2020, the respondents do not dispute that the V.R.Os existing in the revenue department are being continued in their services pending decision by the Government as to their absorption in other departments. Thus, the petitioner who became eligible to be promoted in the year October, 2020, stands on the same footing as other V.R.Os who are presently working in the revenue department. Therefore, the case of the petitioner for promotion needs to be considered on par with other existing V.R.Os as and when the respondent authorities take a decision on either their absorption in other departments or granting promotions within the department itself.

13. In view of the above, the respondents are hereby directed to consider the name of the petitioner for grant of promotion along with names of other V.R.Os as and when the respondents take up promotions of the existing V.R.Os to the post of Senior Assistant.

14. Subject to the above direction, the Writ Petition is closed.
No order as to costs.

15. Consequently, miscellaneous petitions pending, if any, shall stand closed.

SD/-K.SAILESHI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department, State of Telangana, Telangana Secretariat, Hyderabad.
2. The District Collector, Ranga Reddy District, Lakdi-ka-pool, Hyderabad.
3. The Tahsildhar, Abdullapurmet Mandal, Ranga Reddy District.
4. One CC to SRI M.VENKAT RAM REDDY, Advocate [OPUC]
5. Two CCs to the GP for Services-I, High Court for the State of Telangana [OUT]
6. Two C.D. Copies.
7. One Spare Copy.

MRC
SW

HIGH COURT

DATED:17/02/2022



ORDER

WP.No.24536 of 2019

CLOSING THE WRIT PETITION
WITHOUT COSTS

ATM (9)
14/3/2022