

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

**MONDAY, THE THIRTIETH DAY OF OCTOBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SMT JUSTICE P. MADHAVI DEVI

WRIT PETITION NO: 30030 OF 2023

Between:

T. Narsimulu, S/o Late Mopathaiah Aged. 48 Years, Occupation. Junior Assistant in Mahabubnagar Municipality Mahabubnagar District, Telangana

...PETITIONER

AND

1. State of Telangana, Rep by its Principal Secretary Municipal Administration department Secretariat, Hyderabad
2. The Regional Director Cum Appellate Commissioner Of Municipal Administration Department, Hyderabad, Telangana

...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 order or direction more particularly one in the nature of writ or Mandamus by declaring the action of the respondents is not considering the case of the Petitioner for promotion to the post of senior assistant in Municipal Administration departments wholly illegal arbitrary unconstitutional and violative of Article 14 16 and 21 of Constitution of India and consequently direct the 2nd Respondent to consider petitioner case for the promotion to the post of senior assistant without reference to the charge memos and enquiries including arrears of salary seniority promotion etc in the interest of Justice.

IA NO: 1 OF 2023

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 2nd respondent to consider my representation dated 31-08-2023 in the existing or future vacancies without reference to the charge memos and enquiries to the post of Senior Assistant pending disposal of the Main Writ Petition forthwith in the interest Of Justice.

**Counsel for the Petitioner: SRI D. SRINIVAS REDDY
Counsel for the Respondents: GP FOR SERVICES III**

The Court made the following: ORDER

THE HONOURABLE SMT JUSTICE P.MADHAVI DEVI

W.P.No.30030 of 2023

ORDER:

In this Writ Petition, the petitioner is seeking a Writ of Mandamus declaring the action of the respondents in not considering his case for promotion to the post of Senior Assistant in Municipal Administration Department as illegal, arbitrary, unconstitutional and violative of Articles 14, 16 and 21 of Constitution of India and consequently to direct the 2nd respondent to consider his case for promotion to the post of Senior Assistant without reference to the charge memos.

2. Learned counsel for the petitioner submitted that in respect of the incident of un-authorized absence and also misappropriation of funds, charge memos were issued to the petitioner in the year 2017, 2018 and 2021 and though the enquiry was initiated, the disciplinary proceedings have not been concluded so far. It is submitted that, on the ground that the

disciplinary proceedings are pending against the petitioner, his case is not considered for promotion to the post of Senior Assistant, though his juniors have been promoted. Therefore, the petitioner is seeking a direction to the respondents to consider his case for promotion in terms of G.O.Ms.No.257, dated 10.06.1999.

3. Learned Government Pleader for Services-III is also heard on behalf of the respondents.

4. Having regard to the fact that an Enquiry Officer has already been appointed and the Enquiry Officer was directed to conclude the disciplinary proceedings vide Memo Roc.No.e-241982/2021/RDMA/A1, dated 28.11.2022 and no action was taken thereafter, this Court deems it fit and proper to direct the respondents to conclude the disciplinary proceedings within a period of three (03) weeks from the date of receipt of a copy of this order and thereafter, consider the case of the petitioner for promotion to the post of Senior Assistant, if he is otherwise eligible. If the

respondents do not conclude the disciplinary proceedings within the period prescribed under G.O.Ms.No.679, dated 01.11.2008, the petitioner cannot be held responsible for the pendency of the charge memos against him and the respondents shall consider the case of the petitioner for promotion without reference to the Charge Memos.

5. Accordingly, this writ petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition, shall stand closed.

SD/- P.Ch. NAGABHUSHAMBA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary Municipal Administration department, State of Telangana, Secretariat, Hyderabad
2. The Regional Director Cum Appellate Commissioner Of Municipal Administration Department, Hyderabad, Telangana
3. One CC to SRI D. SRINIVAS REDDY, Advocate [OPUC]
4. Two CCs to GP FOR SERVICES III, High Court for the State of Telangana. [OUT]
5. Two CD Copies

BN

GJP



HIGH COURT

DATED:30/10/2023

ORDER

WP.No.30030 of 2023



**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

②
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2/11/23