IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI
(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINETH DAY OF JANUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 2187 OF 2025

Between:

A. Venkateswarlu, S/o A.Kotaiah, Aged 60 years, Occ: Assistant Director of Municipal Administration, Presently working as Municipal Commissioner, Gudur Municipality, Tirupati District. (SPSR Nellore District).

...PETITIONER

AND

1. The State of A.P., rep by its Principal Secretary, Municipal Administration & Urban Development Department, Secretariat, Velagapudi, At Amaravathi, Guntur District.
2. The Commissioner and Director of Municipal Administration, State of A.P, Mangalagiri, Guntur 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 an appropriate order or directions more particularly, one in the nature of ***WRIT OF MANDAMUS***, declaring the action of the respondents not considering the petitioner claim for promotion to the post of Municipal Commissioner Grade-1 without reference to the charge memo vide G.O.Rt.No. 254 Municipal Administration & Urban Development (Vig.11.2) Department dated 21.04.2015 and G.O.Rt.No. 381 Municipal Administration and Urban Development (Vig.1.1) Department dated 03.06.2015 in terms of G.O.Ms.No.257, General Administration Department, dated 10.06.1999 as highly illegal, arbitrary, unjust,

discrimination, unconstitutional and violation of Articles 14 and 16 & 21 of the Constitution of India and contrary to the orders of this Hon'ble Court and consequentially direct the respondents to promote the petitioner as Municipal Commissioner Grade-1 in terms G.O.Ms.No.257, General Administration Department, dated 10.06.1999 with all consequential benefits.

IA NO: 1 OF 2025

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 petitioner claim for promotion to the post of Municipal Commissioner Grade-1 in terms G.O.Ms.No.257, General Administration Department, dated 10.06.1999 pending disposal of the above Writ Petition.

Counsel for the Petitioner: SRI T.S.N. SUDHAKAR

Counsel for the Respondent Nos. 1 & 2: SRI S.RAJU, ASST.GP FOR SERVICES-IV

The Court made the following: ORDER

APHC010042242025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3331]**
(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINETH DAY OF JANUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 2187/2025

Between:

1. A. VENKATESWARLU,, S/O A.KOTAIAH, AGED 60 YEARS, OCC-ASSISTANT DIRECTOR OF MUNICIPAL ADMINISTRATION, PRESENTLY WORKING AS MUNICIPAL COMMISSIONER, GUDUR MUNICIPALITY, TIRUPATI DISTRICT. (SPSR NELLORE DISTRICT).

...PETITIONER

AND

1. THE STATE OF A P, REP BY ITS PRINCIPAL SECRETARY, MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT DEPARTMENT, SECRETARIAT, VELAGAPUDI, AT AMARAVATHI, GUNTUR DISTRICT.
2. THE COMMISSIONER AND DIRECTOR OF MUNICIPAL ADMINISTRATION, STATE OF A.P, MANGALAGIRI, GUNTUR DISTRICT.

...RESPONDENT(S):

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 may be pleased to issue an appropriate order or directions more particularly, one in the nature of Writ of Mandamus, declaring the action of the respondents not considering the petitioner claim for promotion to the post of Municipal Commissioner Grade-1 without reference to the charge memo vide G.O.Rt.No. 254 Municipal Administration and Urban Development (Vig.11.2) Department dated 21.04.2015 and G.O.Rt.No. 381 Municipal Administration and Urban Development (Vig.1.1) Department dated 03.06.2015 in terms of

G.O.Ms.No.257, General Administration Department, dated 10.06.1999 as highly illegal, arbitrary, unjust, discrimination, unconstitutional and violation of Article 14 and 16 and 21 of the Constitution of India and contrary to the orders of this Hon'ble Court and consequentially direct the respondents to promote the petitioner as Municipal Commissioner Grade-1 in terms G.O.Ms.No.257, General Administration Department, dated 10.06.1999 with all consequential benefits and pass

IA NO: 1 OF 2025

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 may be pleased to direct the respondents to consider the petitioner claim for promotion to the post of Municipal Commissioner Grade-1 in terms G.O.Ms.No.257, General Administration Department, dated 10.06.1999 pending disposal of the above writ petition and pass

Counsel for the Petitioner:

1.T S N SUDHAKAR

Counsel for the Respondent(S):

1.GP FOR SERVICES IV

The Court made the following:

:: ORDER ::

The petitioner, Assistant Director of Municipal Administration, presently working as Municipal Commissioner, filed the above writ petition in not considering his case for promotion to the post of Municipal Commissioner Grade-I due to the pendency of charge memo *vide* G.O.R.T.No.254 Municipal Administration & Urban Development (Vig.II.2) Department, dated 21.04.2015 (Ex.P1) and G.O.Rt.No.381 Municipal Administration & Urban Development (Vig.I.1) Department dated 03.06.2015 (Ex.P2), as illegal and arbitrary.

2. Heard Sri T.S.N.Sudhakar, learned counsel for the petitioner and Sri S.Raju, learned Assistant Government Pleader for Services appearing for respondents 1 and 2.

3. A charge memo *vide* G.O.R.T.No.254 Municipal Administration & Urban Development (Vig.II.2) Department, dated 21.04.2015 (Ex.P1) and another charge memo *vide* G.O.Rt.No.381 Municipal Administration & Urban Development (Vig.I.1) Department dated 03.06.2015 (Ex.P2) was issued to the petitioner. In para-3 of the affidavit, it was specifically pleaded that the inquiry officer conducted an inquiry and submitted a report. However, the disciplinary authority has not concluded the inquiry.

4. Learned counsel for the petitioner would submit that though the petitioner is eligible for promotion, his case was not considered due to the pendency of the aforementioned charge memos.

5. At the hearing, learned counsel for the petitioner confined his arguments and urged to direct the respondents to consider the case of the petitioner for promotion in promotion in terms of G.O.Ms.No.257 General Administration (Ser.C) Department, dated 10.06.1999.

6. Learned Assistant Government Pleader for Services did not refute the submission made by learned counsel for the petitioner.

7. Given the facts and circumstances of the case, without touching the merits of the matter, the Writ Petition is disposed of, at the stage of admission with the consent of both the learned counsel, directing the learned respondents to consider the case of the petitioner for promotion, strictly in terms of G.O.Ms.No.257 General Administration (Ser.C) Department, dated 10.06.1999, if the petitioner's case is in the zone of consideration, whenever the DPC is conducted. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

//TRUE COPY//

SD/- K. TATA RAO
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Municipal Administration & Urban Development Department, State of Andhra Pradesh Secretariat, Velagapudi, Amaravathi, Guntur District.

2. The Commissioner & Director of Municipal Administration, State of Andhra Pradesh, Mangalagiri, Guntur District.
3. One CC to Sri T.S.N.Sudhakar, Advocate [OPUC]
4. Two CCs to GP for Services-IV, High Court of Andhra Pradesh. [OUT]
5. **Three CD Copies.**

gl

HIGH COURT

DATED:29/01/2025

ORDER

WP.No.2187 of 2025



DISPOSING OF THE WRIT PETITION
AT THE STAGE OF ADMISSION
WITHOUT COSTS