

**THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA**

**WRIT PETITION No.3358 OF 2023**

**ORDER:-**

The present Writ Petition is filed under Article 226 of the Constitution of India, seeking a following relief:

*“to issue an order or direction more particularly one in the nature of Writ of Mandamus by declaring the action of the respondents in not considering the claim of the petitioner for promotion as Regional Transport Officer notionally w.e.f. 21.09.2021 in view of dropping the charges by the 1<sup>st</sup> respondent vide proceedings dated 26.08.2022 and also as per G.O.Ms.No.424 GA (Ser-C) Dept., dated 25.05.1976 is exfacie, illegal, arbitrary, unconstitutional, contrary to the principles of natural justice and void being violative of Articles 14 and 16 of the Constitution of India and consequently direct the respondents to consider the case of the petitioner for promotion as Regional Transport Officer with effect from 21.09.2021 with all consequential benefits, as otherwise the petitioner will be put to heavy and irreparable loss and pass such other order or orders”.*

2. Heard learned counsel for the petitioner and learned Government Pleader for the respondents.

3. The case of the petitioner is that while he was working as Senior Assistant some charges were framed against him along with several others. After enquiry, the enquiry officer pointed out that the charges were not proved against them including petitioner. In view of

the said findings of the enquiry authority, the 1<sup>st</sup> respondent issued proceedings dated 28.07.2022 observing that the charges framed against the petitioner and others were dropped. Pursuant to that, the respondent authorities also issued consequential proceedings dated 25.08.2022 closing the disciplinary proceedings against the petitioner.

4. Learned counsel for the petitioner would submit that in similar circumstances, one P.Chandra Sekhar, the person against whom the same charges were dropped was promoted to the post of Motor Vehicle Inspector vide proceedings dated 30.09.2022. Therefore, the learned counsel for the petitioner requesting that the case of the petitioner also can be considered on par with other persons who were promoted after dropping charges against them. But, even after receipt of the representations of the petitioner dated 01.09.2022 and 11.10.2022, the respondent authorities neither acted upon nor considered the same. Hence, the present Writ Petition is filed.

5. On the other hand, learned Government Pleader for the respondents submits that as of now no proceedings are pending against the petitioner and if the petitioner is entitled for promotion in accordance with rules, the respondents will consider the representations of the petitioner dated 01.09.2022 and 11.10.2022 for promotion in accordance with law.

6. Having regard to the submissions made by the learned counsel for the petitioner as well as the learned Government Pleader, this Court is of the opinion that the present Writ Petition can be disposed of directing the 2<sup>nd</sup> respondent to consider the representations of the petitioner dated 01.09.2022 and 11.10.2022 within a period of two(02) months from the date of receipt of a copy of this order after providing opportunity of hearing to the petitioner and pass speaking order in accordance with law.

7. Accordingly, with the above directions, this Writ Petition is disposed of. There shall be no order as to costs.

As a sequel, miscellaneous applications pending, if any, shall also stand closed.

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**JUSTICE VENKATESWARLU NIMMAGADDA**

**Date:** 10.02.2023

**Note:** Issue C.C by 13.02.2023

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