

SMT. JUSTICE T. RAJANI

WRIT PETITION No.6795 OF 2020

ORDER:

This Writ Petition is filed, under Article 226 of the Constitution of India, seeking to declare the action of the respondents in not considering the claim of the petitioner for promotion to the post of Gr.I Hostel Welfare Officer (non selection post) on the untenable ground that the Tribunal Enquiry Case No.21/2017 is pending against him, as illegal.

2. Heard the counsel for the petitioner and the Government Pleader for Social Welfare appearing for the respondents.

3. The counsel for the petitioner submits that a charge memo was issued to the petitioner and in pursuance of the notice received, he appeared before the Tribunal for Disciplinary Proceedings on 13.12.2019 with regard to the enquiry pending against him. Though the petitioner appeared before the disciplinary authority, there is no progress in the enquiry. Keeping in view the pendency of the disciplinary proceedings, the respondents are not considering the petitioner for promotion to the post of Grade-I Hostel Welfare Officer. The counsel also relies on the order of this Court in Writ Petition No.3274 of 2020, dated 12.2.2020, wherein this court by considering the judgment of High Court of Andhra Pradesh at Hyderabad in **Government of A.P Vs. A.Rajeswara Reddy¹**, wherein it is held that the disciplinary proceedings initiated against an

¹ 2010 (4) ALT 374 (DB)

employee of Government are to be completed within three months in simple cases and in six months in complicated cases, as per policy decision taken by the Government in G.O.Ms.No.679, General Administration (Services-C) Department, dated 01.11.2008, directed the respondents to consider the case of the petitioner therein for promotion, without reference to the pendency of departmental proceedings.

4. Hence, in terms of the above judgment, there shall be a direction to the 2nd respondent to consider the case of the petitioner for promotion to the post of Gr.I Hostel Welfare Officer, if he is otherwise eligible, without reference to the pendency of departmental proceedings, and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order. However, the promotion shall be subject to the result of the enquiry.

5. The writ petition, with the above direction, is disposed of. Miscellaneous petitions, if any pending, shall stand closed.

SMT T. RAJANI, J

March, 13, 2020.

TM/YS