

HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI

MAIN CASE No: W.P.No.7830 of 2023

PROCEEDING SHEET

| Sl. No. | DATE | ORDER | Office Note |
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| 02. | 14.06.2023 | <p><u>DR, J</u></p> <p>This Writ Petition under Article 226 of the Constitution of India is filed challenging the charge memo issued in G.O.Rt.No.749 dated 14.09.2020.</p> <p>2. The learned counsel for the petitioner submits that the petitioner was functioning as DCTO at integrated Check Post, Purushottapuram, Itchapuram Mandal, Srikakulam District. There was a surprise check conducted by the Anti Corruption Bureau personnel on 25.03.2015. The petitioner was not on duty on the said date. Thereafter, a report dated 05.01.2016 was submitted by Director General, ACB, A.p., Hyderabad to the concerned departments including the respondent department.</p> | |

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| | <p>3. While the things stood thus, after lapse of 5½ years, G.O.Rt.No.749 dated 14.09.2020 was issued framing charges against the petitioner based on the surprise check conducted on 25.03.2015.</p> <p>4. Learned counsel for the petitioner contends that even after lapse of three (3) years, the respondents have not concluded the proceedings and they are denying promotion to the petitioner to the post of Special Grade Post Scale in the cadre of DCTO on the ground of pendency of the said charge memo.</p> <p>5. It is needless to say that as per the G.O.M.S.No.257 and also as per the subsequent instructions issued by the Government, the disciplinary proceedings pending against the persons shall be concluded within a period of six (06) months from the date of initiation of proceedings. It is further clarified that if the authorities are unable to conclude the disciplinary proceedings within a stipulated period they are eligible for promotion.</p> | |
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| | | <p>6. Considering the said G.O as well as the instructions of the Government, this Court has passed several orders to effect promotions to the persons based on the seniority without reference to the charge memo which is pending since long time.</p> <p>7. In the instant case, based on the report dated 05.01.2016, charges were framed in the year 2020 and even after lapse of three(3) years, the authorities have not concluded the proceedings.</p> <p>8. Hence, the respondents are directed to effect promotion to the petitioner without reference to the charge memo issued in G.O.Rt.No.749 dated 14.09.2020, if the petitioner is otherwise eligible.</p> <p>Post after four (4) weeks.</p> <p style="text-align: right;">DR, J TM/PNS</p> <p>Note: Issue C.C by 16.06.2023 B/o. Tm/pns</p> | |
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