

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

THURSDAY, THE TWENTY SECOND DAY OF AUGUST
TWO THOUSAND AND TWENTY FOUR

PRESENT



THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 18341 OF 2024

Between:

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

...PETITIONER

AND

1. The State of Andhra Pradesh, rep by its Principal Secretary, Municipal
Administration & Urban Development Department, Secretariat,
Velagapudi, At Amaravathi, Guntur District.
2. The Commissioner & 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
Assistant Director of Municipal Administration without reference to the
charge memo vide G.O.Rt.No. 254 Municipal Administration & Urban
Development (Vig.II.2) Department dated 21.04.2015 and G.O.Rt.No. 381
Municipal Administration & Urban Development (Vig.I.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, 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 Assistant Director of Municipal Administration in terms G.O.Ms.No.257, General Administration Department, dated 10.06.1999 with all consequential benefits.

IA NO: 1 OF 2024

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 Assistant Director of Municipal Administration 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 R.S.MANIDHAR PINGAL,
ASST.GP FOR SERVICES-IV**

The Court made the following: ORDER

IN THE HIGH COURT OF ANDHRA PRADESH : AMARAVATI

THE HON'BLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION No.18341 OF 2024

Between:

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

... Petitioner

And

The State of A.P., rep by its Principal Secretary, Municipal Administration & Urban Development Department, Secretariat, Velagapudi, At Amaravati, Guntur District and another.

... Respondents

Counsel for the petitioner : Sri T.S.N.Sudhakar

Counsel for respondents : GP for Services – IV

ORDER

The above writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

“...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 Assistant Director of Municipal Administration without reference to the charge memo vide G.O.Rt.No.254 Municipal Administration and Urban Development (Vig.II.2) Department dated 21.04.2015 and G.O.Rt.No.381 Municipal Administration &

Urban Development (Vig.I.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 & 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 Assistant Director of Municipal Administration in terms G.O.Ms.No.257 General Administration Department dated 10.06.1999 with all consequential benefits and pass such other or further orders"

2. Heard Sri T.S.N.Sudhakar, learned counsel for the petitioner and Sri R.S.Manidhar Pingali, learned Assistant Government Pleader for Services appearing for respondent Nos.1 & 2.

3. Two charge memos *vide* G.O.Rt.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) were issued against the petitioner.

4. Learned counsel for the petitioner would submit that the inquiry in respect of aforementioned two charge memos are still pending and is not concluded so far. He also would submit that in terms of G.O.Ms.No.679 General Administration (Services-C) department, dated 01.11.2008, the respondent authorities shall conclude the inquiry within three months in respect of simple cases and within six months in respect of complicated cases. However, the inquiry is not completed so

far. He also would submit that the case of the petitioner is not been considered for promotion in view of pendency of charge memos.

5. Learned Assistant Government Pleader for Services would submit that the inquiry will be concluded in terms of G.O.Ms.No.91 General Administration (Ser.C) Department, dated 12.09.2022.


6. The Government issued G.O.Ms.No.257 General Administration (Ser.C) Department, dated 10.06.1999 prescribing guidelines to be followed by the authorities while considering the candidature of the employee for promotion wherever inquiry is pending. The Government also issued G.O.Ms.No.91 General Administration (Ser-C) Department, dated 12.09.2022 prescribing time lines to complete the inquiry within three months and six months in case of simple and complicated respectively. The case at hand, two charge memos dated 21.04.2015 (Ex.P1) and 03.06.2015 (Ex.P2) were issued against the petitioner. However, the inquiry is not concluded so far. For the laches on the part of the respondent authorities in concluding the inquiry, the petitioner shall not be put to suffer.

7. Given the facts and circumstances of the case, the Writ Petition is disposed of at the stage of admission with the consent of both the learned counsel directing the respondent authorities to consider the

case of the petitioner for promotion in terms of G.O.Ms.No.257 General Administration (Ser.C) Department, dated 10.06.1999, if the petitioner is in the zone of consideration and fulfils all requisite qualifications. The respondents also conclude the inquiry in terms of G.O.Ms.No.91 General Administration (Ser.C) Department, dated 12.09.2022. There shall be no order as to costs.

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

//TRUE COPY//

SD/- M. SRINIVAS
ASSISTANT 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:22/08/2024

ORDER

WP.No.18341 of 2024



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