

THE HONOURABLE SRI JUSTICE D.RAMESH

WRIT PETITION No.25867 of 2022

ORDER:

The Writ Petition under Article 226 of the Constitution of India is filed seeking to declare the action of the official respondents in not considering the case of the petitioner for promotion to the post of D.S.P. with retrospective effect by conducting the review DPC, is illegal and arbitrary.

2. The 3rd respondent framed article of charges vide C.No.58/MPR/2017 dated 30.07.2017 against the petitioner for exhibiting gross misconduct in acquiring the House Flat No.401 in R.S.No.326/4A, 3rd floor in Durga kuteer at Gunadala, Vijayawada for a cost of Rs.46,10,000/- which was registered on 03.10.2016 without obtaining prior permission from the competent authority and there by violated Rule 9(1) A.P.C.S(Conduct) Rules 1964.

3. In view of the above said articles of charges, after two years the 3rd respondent has imposed the punishment vide proceedings in C.No.58/MPR/2017/R.O.No.297/2019, dated 17.05.2019. Against the said orders of the 3rd respondent, the petitioner preferred an appeal before the 2nd respondent and the same was rejected vide orders dated 21.11.2019. Aggrieved by the said orders of the 2nd respondent, the petitioner made a revision before the 1st respondent on 18.12.2019 and the 1st respondent after considering the orders of the 3rd respondent and plea of the petitioner, issued the G.O.RT.No.781 dated 12.08.2020 by set aside the punishment of the petitioner. Immediately the petitioner submitted his representation dated 15.08.2020 to the 2nd respondent on 17.08.2020, who is competent authority to effect the promotion as D.S.P, requesting him to consider his case for promotion as D.S.P on par with his immediate junior C.Sarath Raj

Kumar. While pending the revision before the 1st respondent, the 2nd respondent effected the promotions to the posts of D.Ss.P on 16.07.2020. The petitioner's immediate junior by name C.Sarath Raj Kumar was promoted as D.S.P. vide orders dated 16.07.2020. For non-consideration of the request made by the petitioner, the present Writ petition is filed.

4. Learned counsel the petitioner submitted that after disposal of the disciplinary proceedings, if any promotions are effected, the respondents have to conduct review DPC. Accordingly, the petitioner has made a representation to the respondents and also requested to conduct review DPC. Despite lapse of two years, the respondents have not conducted any review DPC and effected the promotion to the petitioner on par with the juniors.

5. Considering the submissions and on perusal of the record, the Writ Petition is disposed of, directing the respondents to consider the representation made by the

petitioner, conduct review DPC and take appropriate action as per Rules within a period of three(3) weeks from the date of receipt of copy of this order. There shall be no order as to costs.

Miscellaneous petitions pending if any, shall stand closed.

JUSTICE D.RAMESH

Date : 19.06.2023
TPS/BSK

THE HONOURABLE SRI JUSTICE D.RAMESH

WRIT PETITION No.25867 of 2022

Date: 19.06.2023

TPS / BSK