

THE HONOURABLE SMT JUSTICE V. SUJATHA

WRIT PETITION No.20588 of 2023

ORDER:-

The present Writ Petition came to be filed under Article 226 of the Constitution of India seeking the following relief:-

“...to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus to declare the action of the 2nd Respondent in not considering the petitioner promotion to the post of Assistant Commissioner (ST) in the ensuing DPC on the ground of disciplinary proceedings pending based on the Trap Cr.No.05/RCT-ACB/VZM/2017 dated 04.04.2017 whereby issued sanction accorded vide G.O.Ms.No.160 dated 30.03.2022 and also issued Articles of Charges vide G.O.Rt.No.382 dated 23.03.2020 and G.O.Rt.No.217 dated 30.03.2022 after laps of Six (6) years is illegal, arbitrary, capricious and violative of Articles 14, 16 and 21 of Constitution of India and also contrary to the G.O.Ms.No.257 dated 10.06.1999, G.O.Ms.No.679 dated 01.11.2008 and G.O.Ms.No.529 dated 19.08.2008. Consequently direct the Respondents to consider the case of petitioner for promotion to the post of Assistant Commissioner (ST) without reference to the Charge Memos vide G.O.Rt.No.382 dated 23.03.2020 and G.O.Rt.No.217 dated 30.03.2022....”

2. Heard learned counsel for the petitioner and learned Government Pleader for Services-I. Perused the material on record.

3. Learned counsel for the petitioner submits that suffice if a direction is given to the respondents to consider the case of the petitioner for promotion to the post of Assistant Commissioner (ST), without reference to the Charge Memos vide

G.O.Rt.No.382, dated 23.03.2020 and G.O.Rt.No.217, dated 30.03.2022 in terms of G.O.Ms.No.257, General Administration (Services-C) Department, dated 10.06.1999.

4. Learned Government Pleader appearing for the respondents does not refute the said submission.

5. Having regard to the facts and circumstances and without touching the merits of the case, the respondents are directed to consider the case of the petitioner for promotion to the post of Assistant Commissioner (ST), in terms of G.O.Ms.No.257, General Administration (Services-C) Department, dated 10.06.1999 and pass appropriate orders within a period of six (06) weeks from the date of receipt of a copy of this order.

6. Accordingly, the Writ Petition is disposed of at the admission stage. No order as to costs.

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

SMT JUSTICE V. SUJATHA

Date: 11.08.2023
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Dated: 11.08.2023

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