

HON'BLE SRI JUSTICE R. RAGHUNANDAN RAO

WRIT PETITION Nos.15726 & 15698 of 2020

COMMON ORDER:

As the issues relating both the cases are same they are being disposed of by a common order.

2. In both these Writ Petitions, the petitioners are working as Municipal Commissioner (Special Grade) and are seeking promotion to the post of Municipal Commissioner (Selection Grade).

3. It is the case of the petitioners in both the writ petitions that they had been promoted to the post of Municipal Commissioner (Special Grade) on 28.09.2018 vide G.O.Ms.No.325.

4. In the case of the petitioner in W.P.No.15698 of 2020, the charge memo was issued vide G.O.Rt.No.448, dated 29.06.2015. In the case of the petitioner in W.P.No.15726 of 2020, the charge memos have been issued vide G.O.Rt.No.1552, dated 22.11.2012 and G.O.Rt.No.874, dated 07.11.2014. It is the case of both the petitioners that their promotions are being stalled on account of pendency of these charge memos and the disciplinary proceedings that are to be conducted under these charge memos. The petitioners submit that despite passage of so many years, the proceedings are not being completed and at the same time their promotions are being stalled. It is the case of the petitioners that steps are now being taken for carrying out

general promotions to the posts of Municipal Commissioner (Selection Grade).

5. The petitioners rely on the Judgments of this Court in W.P.No.9396 of 2020, dated 28.05.2020, W.P.No.8690 of 2016, dated 18.03.2016 and W.P.No.124646 of 2017 dated 01.07.2017. In all these cases, this Court had held that pendency of the disciplinary proceedings in such a long period of time cannot be a ground to stall the promotions.

6. Learned Government Pleader for Services-II, on instructions, submits that the petitioners have not completed two (2) years of service in the post of Municipal Commissioner (Special Grade), which is the mandatory requirement under G.O.Ms.No.175, dated 27.11.2017 to be promoted to the post of Municipal Commissioner (Selection Grade). She further submits that she would also have to ascertain whether there has been progress in the disciplinary proceedings initiated under the charge memos mentioned above.

7. She further submits that time may be granted for filing a comprehensive counter.

8. Taking a comprehensive view in the entire affair, it would appear that the disciplinary proceedings pending against the petitioners have not been completed.

9. In the circumstances, it would not really make any difference as to the stage of the enquiry. Similarly, the petitioners have now filed additional affidavits stating that their

date of promotion to the post of Municipal Commissioner (Special Grade) was 28.09.2018. In such circumstances, the petitioners have completed the minimum period of two years for further promotion.

10. Hence, following Judgments of this Court mentioned above, there shall be a direction to the respondents to consider the case of the petitioners for further promotion to the post of Municipal Commissioner (Selection Grade) without reference to the pendency of disciplinary proceedings.

11. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

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

R. RAGHUNANDAN RAO, J.

22.10.2020

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22nd day of October, 2020

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