

THE HON'BLE SRI JUSTICE NINALA JAYASURYA

WRIT PETITION NO.22434 of 2021

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India seeking the following relief:-

"..... to issue a Writ of Mandamus, declaring the action of the respondents in not promoting the petitioner to the post of Office Superintendent from the category of Senior Assistant without reference to the disciplinary proceedings pending against petitioner in terms of G.O.Ms.No.257, dated 10.06.1999 issued by the Government, as bad, illegal, arbitrary, unjust, improper, contrary to law and violative of principles of natural justice and unconstitutional and consequently direct the respondents to promote the petitioner to the post of Office Superintendent without reference to disciplinary proceedings against the petitioner in terms of G.O.Ms.No.257, dated 10.06.1999 Circulars issued by the respondent department w.e.f the date of his eligibility with all consequential benefits and pass such other order or orders...."

Learned counsel for the petitioner *inter alia* contended that due to delay in completing the enquiry, the case of petitioner for consideration of promotion to the post of Office Superintendent is being unduly delayed. He submits that as per the relevant Government Orders, the enquiry in respect of simple cases is required to be completed within three (03) months and in complicated cases within six (06) months. He submits that the enquiry in respect of petitioner was initiated long ago, but the same was not completed and in the meanwhile juniors of the petitioner are being promoted.

In view of the same, learned counsel for the petitioner submits that the respondents may be directed to consider the case of petitioner for promotion to the post of Office Superintendent in terms of G.O.Ms.No.257, dated 10.06.1999 or to complete the enquiry, at an early date.

Though the detailed counter affidavit is filed by the learned Government Pleader for Services-I, this Court is not inclined to go into the merits of the case, in view of the submissions referred to supra.

Accordingly, the Writ Petition is disposed of with a direction to the 4th respondent to complete the enquiry initiated against the petitioner, within a period of three (03) months from the date of receipt of copy of this order. There shall be no order as to costs.

As a sequel, Interlocutory Applications pending, if any, shall stand closed.

JUSTICE NINALA JAYASURYA

Date: 31-12-2021

Note: Issue CC by 05.01.2022

(B/o)

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