

THE HON'BLE SRI JUSTICE NAMAVARAPU RAJESHWAR RAO**WRIT PETITION No.17195 OF 2025****ORDER:**

This Writ Petition is filed questioning the action of the respondents in not considering the case of the petitioner for promotion to the post of Senior Assistant, pursuant to the Circular bearing Roc.No.307/2024-25/A4, dated 13.06.2025, on the ground of pendency of disciplinary proceedings, as being illegal and arbitrary.

2. Heard Sri Gungalwar Arun Kumar, learned counsel for the petitioner, and learned Government Pleader for Services-I, appearing for the respondents. Perused the material on record.

3. The case of the petitioner is that he was initially appointed as PH Health Worker in Last Grade Service on 17.03.2006, and was subsequently promoted as Junior Assistant/VRO on 06.04.2011. As per G.O.Ms.No.236, dated 12.12.2022, the Telangana Municipal Ministerial Subordinate Service Rules govern the promotions in the department. Under Rule-4, the post of Senior Assistant (Category-IV) is to be filled by promotion from eligible Junior Assistants (Category-V) with not less than two years of service, subject to possession of a Bachelor's degree, Department tests, and declaration of probation.

4. It is stated that the petitioner has fulfilled the requisite qualifications prescribed under Rule-10, including holding a Bachelor's Degree, passing the departmental tests, and having more than two years of regular service, thereby becoming eligible for promotion as early as 2013. However, while serving as Junior Assistant, a Charge Memo dated 21.06.2018 was issued to the petitioner, alleging irregularities in the processing of tenders and awarding of works on quotation basis.

5. The petitioner stated that he was not the competent authority to process tenders and he duly submitted his explanation denying all the allegations. It is further submitted that similar charge memos were issued to 17 other employees in the Municipality. Subsequently, the disciplinary authority appointed an Enquiry Officer, who conducted an enquiry and submitted a report dated 29.12.2022, holding that Charges 1 to 6 were not proved against the petitioner. However, no final orders have been passed thereafter.

6. Meanwhile, the respondents issued proceedings dated 09.12.2020, calling for applications for promotion to the post of Senior Assistant, enclosing a seniority list in the cadre of Junior Assistants. The petitioner's name is shown at Sl.No.6, and he was the third eligible candidate; yet his case was not considered due to

pendency of disciplinary proceedings. The respondents later issued another Circular *vide* Roc.No.307/2024-25/A4, dated 13.06.2025, directing all Municipal Commissioners to depute clerical staff for finalisation of eligible candidates for promotion. In the final seniority list, the petitioner's name was shown at Sl.No.31, but in Column No.17, it was recorded that "disciplinary proceedings are pending". Consequently, the petitioner submitted a representation on 18.06.2025, requesting to consider his candidature. However, his case was not considered on the ground of pendency of disciplinary proceedings. Hence, the present Writ Petition.

7. Learned counsel for the petitioner submits that, although disciplinary proceedings were initiated in 2018 and the enquiry has been conducted, but no final orders have been passed till date. In the meantime, the respondents are proceeding with promotions, but the petitioner's case is being excluded solely on the ground that the disciplinary proceedings are still shown as pending.

8. Learned Government Pleader for Services—I, appearing for the respondents, submits that the respondents may be directed to consider the petitioner's case in terms of G.O.Ms.No.257, dated 10.06.1999, and pass appropriate orders in accordance with law.

9. Taking into consideration the submissions made by the learned counsel for the respective parties, this Writ Petition is disposed of, directing the respondent authorities to consider the case of the petitioner for promotion to the post of Senior Assistant, in terms of G.O.Ms.No.257, dated 10.06.1999, and pass appropriate orders in accordance with law, as and when the promotion process takes place. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

NAMAVARAPU RAJESHWAR RAO, J

Date: 20.06.2025

NOTE:

ISSUE C.C. BY TODAY
(BO – HFM)