

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

FRIDAY, THE TENTH DAY OF JANUARY

TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE SRI JUSTICE PULLA KARTHIK

WRIT PETITION NO: 1158 OF 2025

Between:

Porika Jyothi, W/o. Bhoja

...Petitioner

AND

1. The State of Telangana, Rep. by its Principal Secretary, Revenue (Commercial Taxes) Department, Secretariat Buildings, Hyderabad.
2. The Commissioner of State Tax, State of Telangana, Nampally, Hyderabad.

...Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ of Mandamus or any other appropriate Writ order or direction by declaring the action of the respondents in not considering the case of the petitioner for promotion to the post of Commercial Tax Officer, on the sole ground that the Crime was registered against her vide F.I.R. in Cr.No.03/ACB-WRL/2020, dt. 31-08-2020, as illegal, arbitrary and unconstitutional being violative of Articles 14 and 16 of Constitution of India and consequently direct the respondents to consider the case of the petitioner for promotion to the post of Commercial Tax Officer, without reference to F.I.R. in Cr.No.03/ACB-WRL/2020, dt. 31-08-2020, in terms of orders issued in G.O.Ms.No.66, General Administration (Services.C) Department, dt.30-01-91 and on the analogy of orders granted by this Hon'ble Court in similar cases and promote her as such, with all consequential benefits.

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the respondents to consider the case of the petitioner for promotion to the post of Commercial Tax Officer, without reference to F.I.R. in Cr.No.03/ACB-WRL/2020, dt. 31-08-2020, in terms of orders issued in G.O.Ms.No.66, General Administration (Services.C) Department, dt.30-01-91 and on the analogy of orders granted by this Hon'ble Court in similar cases and promote her as such, pending disposal of WP.No.1158 of 2025, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of M/s. S. GOPAL RAO Advocate for the Petitioner and GP FOR SERVICES – I, for the Respondents, the Court made the following.

ORDER:

Notice before Admission.

Learned Government Pleader for Services-I takes notice on behalf of the respondents, waives further notice and seeks time to file counter.

Registry is directed not to take out notice to the respondents in view of the above waiver.

Learned counsel for the petitioner submits that the petitioner is working as Deputy Commercial Tax Officer in the O/o. the Joint Commissioner (ST), Warangal Division, and she is full qualified and eligible for promotion to the post of Commercial Tax Officer. However, the respondents are not considering the petitioner's case for promotion on the ground of pendency of Crime No.03/ACB-WRL/2020, dated 31.08.2020 on the file of ACB, Warangal Range. It is further submitted that though the criminal case was registered in the year, 2020, no charge sheet is filed so far. Further, as per the instructions issued in G.O.Ms.No.66 General Administration (Service C) Department, dated 30.01.1991, the State Government directed that promotion to a higher post in respect of officers who are facing departmental proceedings or a criminal case or whose conduct is under investigation shall be deferred only when charges of misconduct are framed by the competent authority and served on the concerned delinquent officer, or a charge sheet has been filed against him in the criminal court. Since, no charge sheet has been filed against the petitioner in the aforesaid case, learned counsel for the petitioner prays this Court to direct the respondents to consider the petitioner's case for promotion to the post of Commercial Tax Officer, in terms of G.O.Ms.No.66, dated 30.01.1991.

Having regard to the submissions made by learned counsel for the petitioner, there shall be interim direction to the respondents to consider the case of the petitioner for promotion to the post of Commercial Tax Officer, in terms of G.O.Ms.No.66 General Administration (Services-C) Department, dated 30.01.1991.

Post this matter on 12.03.2025 for counter.

SD/-S.MALLIKARJUNA RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Revenue (Commercial Taxes) Department, State of Telangana, Secretariat Buildings, Hyderabad.
2. The Commissioner of State Tax, State of Telangana, Nampally, Hyderabad (RR 1 and 2 by RPAD).
3. One CC to M/s. S. GOPAL RAO, Advocate [OPUC].
4. Two CCs to GP FOR SERVICES – I, High Court for the State of Telangana at Hyderabad [OUT].
5. One spare copy
ZEE

HIGH COURT

PKJ

DATED:10/01/2025

POST ON 12.03.2025

ORDER



WP.No.1158 of 2025

INTERIM DIRECTION