

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

WEDNESDAY, THE ELEVENTH DAY OF MARCH

TWO THOUSAND AND TWENTY SIX

:PRESENT:
THE HONOURABLE SRI JUSTICE K. SARATH

IA No. 1 OF 2026
IN
WP NO: 2339 OF 2026

Between:

Porika Jyothi, W/o. Bhoja,

...Petitioner(s)
(Petitioner in WP 2339 OF 2026
on the file of High Court)

AND

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

...Respondent(s)
(Respondents in-do-)

Counsel for the Petitioner :S GOPAL RAO

Counsel for the Respondents :GP FOR SERVICES I

Petition under Section 151 OF 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 the disciplinary enquiry vide (draft article of charges) Charge Memo bearing CCT's Proceedings No.V2/83/2020-I, dated 11-07-2025 (allegation pertains to the year 2020) of the 2nd respondent and promote her as such, forthwith, pending final disposal of the main W.P.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case). The Court made the following

ORDER:

Heard Sri B.Gopal Rao, learned counsel for the petitioner and learned Assistant Government Pleader for Services-I appearing for the respondents and perused the material available on record.

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 fully qualified and eligible for promotion to the post of Commercial Tax Officer.

Learned counsel for the petitioner further submits that on earlier occasion, the petitioner has filed W.P.No.1158 of 2025 seeking a direction to the respondent authorities to consider the case of the petitioner to the post of Commercial Tax Officer without reference to the Crime No.03/ACB-WRL/2020, dated 31.08.2020. Upon perusal of the facts of the case, this Court granted interim order dated 10.01.2025 in W.P.No.1158 of 2025 in favour of the petitioner. Pending the said W.P.No.1158 of 2025, the respondent authorities issued impugned Charge Memo in CCT's Proceedings No.V2/83/2020-I dated 11.07.2025 against the petitioner, for the same set of facts. In view of the same, the respondents are not considering the petitioner's case for promotion on the ground of pending Article of Charges framed against the petitioner *vide* CCT's Proceedings No.V2/83/2020-I dated 11.07.2025 on the file of the respondent No.1.

Learned counsel for the petitioner further submits that the respondent authorities, without following their own consolidated instructions *vide* G.O.Ms.No.175 General Administration (Services-C) Department dated 21.08.2025 to expedite the process of disciplinary cases within stipulated period and not considering the case of the petitioner for promotion to the post of Commercial Tax Officer as per Judgment of the Hon'ble Apex Court in *State of Punjab v. Chaman Lal Goyal*¹ and therefore, requested this Court to pass interim order by directing the respondent authorities to consider the case of the petitioner for promotion to the post of Commercial Tax Officer without

¹ (1995) 2 SCC 570

reference to the Charge Memo *vide* CCT's Proceedings No.V2/83/2020-I dated 11.07.2025. Learned Assistant Government Pleader for Services-I submits that due to administrative delay, the respondent authorities have not concluded the disciplinary proceedings within the stipulated period and they will follow procedure as per law. In view of the same, this is not a fit case to pass interim order in favour of the petitioner and therefore, requested this Court not to pass interim order in favour of the petitioner and seeks time to file counter.

After hearing both sides and on perusal of entire material available on record, this Court is of the considered view that the respondent authorities have not followed their own instructions for concluding the pending disciplinary proceedings at various levels as per G.O.Ms.No.175 General Administration (Services-C) Department dated 21.08.2025 and are also not considering the case of the petitioner for promotion to the post of Commercial Tax Officer under the guise of Charge Memo in CCT's Proceedings No.V2/83/2020-I dated 11.07.2025 issued by the respondent No.1.

In view of non-compliance of instructions of the Government in G.O.Ms.No.175 General Administration (Services-C) Department dated 21.08.2025 by the respondent authorities and in view of the law laid down by the Hon'ble Apex Court in *State of Punjab v. Chaman Lal Goyal (supra)*, there shall be interim direction to the respondent authorities to consider the case of the petitioner for promotion to the post of Commercial Tax Officer, as and when promotions takes place, without reference to the Charge Memo in CCT's Proceedings No.V2/83/2020-I dated 11.07.2025 issued by the respondent No.1.

Sd/- P.PONNA KRISHNA
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 Commercial Tax, State of Telangana, Nampally, Hyderabad.(Addressees 1 to 2 By SPAD)
3. One CC to SRI. S GOPAL RAO Advocate [OPUC]
4. Two CCs to GP FOR SERVICES I, High Court at Hyderabad. [OUT]
5. **One spare copy**

HIGH COURT

SK,J

DATED:11/03/2026

ORDER

**IA No. 1 OF 2026
IN
WP NO: 2339 OF 2026**

INTERIM DIRECTION

