

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.39640 of 2014

ORDER:

The petitioner herein, who was working as an unskilled worker at Indian Made Foreign Liquor Depot, East Godavari-II, Rajahmundry, challenges the orders passed by the Managing Director of the Andhra Pradesh Beverages Corporation Limited, Hyderabad on 20-10-2014 setting out that since the petitioner has already attained the age of 58 years and in view of the fact that there is no requirement of the services of the contingent worker, her services are dispensed with, with immediate effect.

Sri K.S. Murthy, learned counsel for the petitioner would submit that even assuming that the writ petitioner did not have any legal subsisting right to insist upon her services to be utilized by the Corporation, the fact remains that she has been working for the Corporation at a meager amount of wages and she cannot be replaced by any other daily-rated person. It is the case of the writ petitioner that she is the only Sweeper available at the Depot. It is not as if the Corporation can dispense with the services of a Sweeper altogether. There is no justification whatsoever behind the action of the Corporation in trying to replace one daily-rated employee with another daily-rated employee.

Learned Advocate General, Government of Andhra Pradesh, who appeared on behalf of the learned Standing Counsel for the Corporation, would submit that there is surplus manpower available with the Corporation and it has been struggling to maintain its revenues appropriately. One of those surplus candidates has been posted in place of the writ petitioner, who has already attained the age of superannuation of 58 years and therefore, at some stage or the other, she has to make way for someone else.

It is appropriate to notice that when the petitioner approached

this Court on the previous occasion by instituting Writ Petition No.21262 of 2013, this Court has made it very clear that she does not have any legal right to continue in service till she attains the age of 60 years on par with the services of the similar employees of the Government of Andhra Pradesh, whose age of superannuation has been jacked up suddenly from 58 to 60 years. The fact that the writ petitioner has been continuously rendering service as a Sweeper to the Depot for too long a period will not remedy the situation in any manner. That will not help the petitioner to achieve the objective of continuing in service beyond 58 years of age, all the more so when the Corporation would submit that there is surplus manpower available with it for the unskilled category and that it is seeking to adjust them appropriately.

I am, therefore, of the opinion that there is no merit in this writ petition and the same is accordingly, dismissed at the admission stage, but however, without costs.

Consequently, the miscellaneous petitions, if any, stand dismissed.

**NOOTY RAMAMOHANA
RAO, J.**

mrk
27.01.2015.