

**THE HON'BLE SRI JUSTICE RAMESH
RANGANATHAN**

And

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTI

W.P.No.1736 of 2015

ORDER: (per Hon'ble Sri Justice Ramesh Ranganathan)

This writ petition is preferred against the interlocutory order passed by the A.P. Administrative Tribunal in O.A.No.298 of 2015 dated 27.01.2015.

The petitioner was working as Superintending Engineer at Warangal prior to 02.06.2014. By G.O.Rt.No.13 dated 03.07.2014 he, along with several others, was transferred and was directed to report before the Chief Engineer (Public Health), Telangana State for further posting. The Chief Engineer was directed to take necessary further action in the matter and intimate the date of joining/relief of the above Engineers to the Government. It is the petitioner's case that he reported to the Chief Engineer on 16.07.2014. By G.O.Rt.No.201 dated 19.12.2014, the petitioner was informed that he would retire from service on 31.01.2015 in the State of Telangana. Thereafter, by proceedings dated 06.01.2015, the Chief Engineer informed the 5th respondent that the petitioner would attain the age of superannuation of 58 years by the end of January 2015; and that he had requested to issue posting orders from Telangana State to Andhra Pradesh, in view of his nativity and length of service rendered in his native state of Andhra Pradesh. The Chief Engineer also requested the 5th respondent to examine and issue necessary orders in the matter.

The petitioner invoked the jurisdiction of the Tribunal seeking suspension of G.O.Rt.No.201, dated 19.12.2014 contending that, if he had been posted in the State of Andhra Pradesh, he would then have been entitled to continue in service till he reached the age of superannuation of 60 years. The Tribunal did not consider it appropriate to suspend the said G.O. holding that the provisions of the A.P.Public Employment (Regulation of Age of Superannuation) (Amendment) Act 2014 took care of a case

of Government servant who was made to retire on attaining the age of 58 years, in case he was subsequently allotted to the Andhra Pradesh cadre.

Sri Ravi Kondaveeti, learned counsel for the petitioner, would submit that the petitioner has not even been paid salary from 16.07.2014 till he was made to retire on 31.01.2015; and, in terms of Section 77 of the A.P.Reorganisation Act, 2014, the petitioner must be deemed to be an employee of the State of Andhra Pradesh.

Learned Government Pleader for Services would place before this Court a copy of the proceedings dated 13.02.2015, whereby orders were passed directing payment of salary to the petitioner from 16.07.2014 to 31.01.2015. He would also draw attention of this Court to Section 79 of the A.P.Reorganisation Act in support of his submission that, since the petitioner was working at Warangal prior to 02.06.2014, he automatically became an employee of the Government of Telangana.

The petitioner had sought an interim order, of suspension of G.O.Rt.No. 201 dated 19.12.2014, on the ground that if he had been posted in Andhra Pradesh, he would have been entitled to continue till he reached the age of superannuation of 60 years. There is no dispute that employees in the State of Telangana retire on attaining the age of superannuation of 58 years and, accordingly, the petitioner was retired from service on 31.01.2015.

The O.A. is still pending adjudication before the Tribunal, and if the petitioner were to succeed in the O.A., he would be entitled for salary and other benefits from 01.02.2015 onwards till he attains 60 years of age. We see no reason, therefore, to interfere with the order passed by the Tribunal. Suffice it to direct respondents 4 to 6 to pay the petitioner's salary from 16.07.2014 till 31.01.2015 within four (4) weeks from today. In case, there is any delay in payment of pension, the petitioner is always entitled to avail his legal remedies.

The writ petition stands disposed of accordingly. We have no reason to doubt that the Tribunal shall decide the

O.A., on its own merits and without being influenced by any observations made in this order, with utmost expedition. Miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

RAMESH RANGANATHAN, J

M.SATYANARAYANA MURTHY, J

25th February 2015.
JSU

THE HON’BLE SRI JUSTICE RAMESH RANGANATHAN
And
THE HON’BLE SRI JUSTICE M.SATYANARAYANA MURTHY

W.P.No.1736 of 2015

Date: 25.02.2015

JSU