

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

WRIT PETITION NO.10417 OF 2005

DATED 09TH SEPTEMBER, 2015

Between:

Muvvala Kamayya and others

.. Petitioners

and

The Thandava Cooperative Sugars Ltd.
and another

.. Respondents

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.10417 of 2005

ORDER

This writ petition was filed by seven employees assailing the order dated 02.04.2005 passed by the employer, the Thandava Cooperative Sugars Limited, Payakaraopeta, Visakhapatnam District, whereby 18 employees, including the petitioners, were sought to be retired from service upon attaining the age of 58 years.

No interim orders were granted by this Court interdicting the operation of the impugned order.

Counter affidavit was filed by the Assistant Director, Office of the Commissioner and Director of Sugar and Cane Commissioner, A.P., Hyderabad, stating that in partial modification of the impugned order dated 02.04.2005, the seventh petitioner in this case and another, who belonged to the Last Grade Service, were permitted to continue in service till they attained the age of 60 years. The Assistant Director further stated that the retirement of others from service at the age of 58 years was in consonance with Rule 28(6) of the Andhra Pradesh Co-operative Societies Rules, 1964 (wrongly mentioned as Rule 28(5), in ignorance of G.O.Ms.No.553, Agril. & Coop. (Coop.IV), dt.25.6.2003), which prescribes that every paid servant and officer of the society, other than those in the last grade service, shall retire from service upon attaining the age of 58 years.

In the light of the aforestated legal position, this Court finds no irregularity or illegality in the action of the first respondent Cooperative society in retiring its employees, other than last grade service employees, upon attaining the age of 58 years. It is stated that the seventh petitioner

herein, being a member of the last grade service, has been permitted to continue in service till he attained the age of 60 years. Therefore, this Court finds no reason to interfere with the impugned order dated 02.04.2005.

The writ petition is accordingly dismissed. Pending miscellaneous petitions shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

09th SEPTEMBER, 2015
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