

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

Writ Petition No. 3639 of 2003

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ORDER :

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This writ petition is filed seeking writ of mandamus declaring that the petitioner is entitled to continue in service till the attainment of age of 60 years and direct the respondent to continue the petitioner in service.

2. The petitioner was appointed as Assistant Agricultural Officer on 18.09.1981 on a basic pay of Rs.525/- per month and subsequently promoted as Agricultural Officer. As per the proceedings issued by the respondent, the petitioner is a workman. The respondent sugar factory is a cooperative Sugar Factory registered under the A.P.Co-operative Societies Act. According to the Sugar Wage Board, the age of superannuation of the employees of the respondent was fixed at 60 years. By virtue of the nature of the petitioner, he is a workman within the meaning of Section 2(g) of the Industrial Disputes Act, 1947. The respondent is an Industry under Section 2(e) of the I.D.Act. The Government of A.P issued G.O.Ms.No.396 dated 03.09.1990 to effect that the workmen of the co-operative sugar factory shall retire at 60 years of age. Neither the said G.O nor the Act has defined workmen. As such, the petitioner is entitled to continue till 60 years. However, the respondent issued notice dt.25.01.2003 purporting to retire the petitioner from service with effect from 28.02.2003 on attaining the age of 58 years on 28.02.2003. Aggrieved by the same, present writ petition is filed.

3. None appeared on either side.

4. This Court while admitting the writ petition on 28.02.2003 passed interim direction.

In similar circumstances, this Court disposed of W.P.No.7479 of 1999 on 09.06.1999 permitting the petitioner therein to continue in service till he attains the age of 60 years.

For the reasons alike in the order dated 09.06.1999 in aforesaid writ petition, this writ petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous applications, if any pending in this Writ Petition, shall stand disposed of.

A.RAJASHEKER REDDY, J

01.10.2015.

KVS

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

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