

THE HON'BLE SRI JUSTICE R. SUBHASH REDDY
AND
THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

-
WRIT APPEAL No.721 OF 2015
-

JUDGMENT: (Per Hon'ble Sri Justice R. Subhash Reddy)

This appeal, under Clause 15 of the Letters Patent, is filed by the petitioner in W.P.No.22432 of 2015 aggrieved by the order, dated 22.07.2015, passed in the said Writ Petition.

The appellant, an employee of District Scheduled Castes Societies Corporation Limited, Guntur, on attaining the age of superannuation was served with notice, dated 07.01.2015, issued in Lr.No.A4/10/APSC/2015 informing that she is due for retirement. Aggrieved by the same, she filed the present Writ Petition alleging that as per bye-laws of the Society, the laws applicable to the Government employees are applicable to them and as the retirement age of Government employees is 60 years, the same benefit has to be extended to her. This Court, by impugned order, dated 22.07.2015, while issuing notice before admission, on the representation that the respondent – Society took a decision enhancing the age of superannuation and has sent resolutions to the State Government for approval, directed the State Government to take decision on the said proposal sent by the Society and communicate the same to the Society within a period of three weeks from the date of passing of such order and adjourned the matter for further orders and for filing counter by the respondents.

In this appeal, it is contended by the learned counsel for appellant that though similarly placed persons in the same Society are being

continuing beyond 58 years in view of the orders passed by this Court, the appellant was retired without continuing in service.

When the matter was called on last occasion, it was adjourned to obtain instructions whether any decision is taken on the subject matter or not. It is represented by the learned Government Pleader that no decision is taken and the matter is pending with the Finance Department.

As the order impugned is an interim order passed while issuing notice before admission, inviting counter from the respondents, we are of the view that there is no reason to interfere with the same at this stage. If the direction issued to the Government is not complied with, it is always open to the appellant to seek directions in the very same Writ Petition pending before the single Judge.

Hence, we deem it appropriate to dispose of the appeal by directing the Registry to list the Writ Petition before the learned Single Judge and at the same time, we request the learned Single Judge to consider the claim of the appellant and pass appropriate orders.

Subject to the above, the Writ Appeal is disposed of. Miscellaneous Petitions, if any, pending in this Writ Appeal, shall stand closed. No costs.

R. SUBHASH REDDY, J

A. SHANKAR NARAYANA, J

December 17, 2015

MD