

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.Nos.18844 & 23562 of 2015

COMMON ORDER:

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Since these two Writ Petitions share common grievance, this Court deems it appropriate to dispose of the Writ Petitions by way of this common order.

2. In the present Writ Petitions, challenge is to the notices issued by the 2nd respondent, ordering retirement of the petitioners from service after completion of 58 years.

3. In the first Writ Petition, 1st petitioner is an Assistant Director, 2nd and 3rd petitioners are the Assistant Development Officers and in the second Writ Petition, petitioner is working as Deputy Director, A.P. Khadi and Village Industries Board.

3. The sum and substance of the cases of the petitioners is that the 2nd respondent-Khadi and Village Industries Board is completely funded by the State Government and in support thereof, the petitioners rely on the orders of the State Government vide G.O.Ms.No.279, Industries and Commerce Department (SES-I) dated 6.7.1994. It is also the case the petitioners herein that after bifurcation of the State, they have been allotted to State of Andhra Pradesh and the State of Andhra Pradesh brought amendments to the Andhra Pradesh Public Employment Regulation of Age of Superannuation Act, 1984. By virtue of the said amendment, the age of superannuation of employees working in the State of A.P. has been enhanced to 60 years.

4. According to the learned counsel for the petitioners, the petitioners herein are also entitled for the said benefit in view of A.P. Khadi and Village Industries Board Employees (Recruitment and Service) Regulations, 1996. To substantiate the said contention, the learned

Advocates rely on Regulation 18(i), which reads as under:

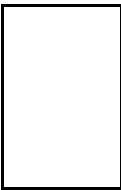
“The employees of the Board shall retire from the services of the Board on attaining the age of fifty eight years or at such age as may be provided by the Government from the retirement of the Government employees from time to time”.

5. It is very much evident from the above regulation that the age of retirement of the 2nd respondent-Board employees shall be as provided by the Government from time to time. Therefore, in the considered opinion of this Court, ordering retirement of the petitioners herein before attaining the age of 60 years as provided under the Amended Act 4 of 2014, cannot be sustained in the eye of law.

6. For the aforesaid reasons, the Writ Petitions are allowed, setting aside the notices dated 8.6.2015 and 27.7.2015 and the petitioners herein are entitled to continue in the 2nd respondent organization till they attain the age of 60 years. As a sequel, the miscellaneous petitions, if any, stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date: 11.4.2016
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