

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.80 AND 279 of 2010

COMMON ORDER:

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent. The cause of action is one and the same in both the writ petitions and therefore they are being disposed of by this common order.

2. W.P.No.80 of 2010 was filed challenging the notice of the second respondent dated 31.12.2009 informing the petitioner that he would be attaining the age of superannuation i.e., 58 years on 08.10.2010 and accordingly he had to superannuate from the service of the respondent company on 31.01.2010 as per the company's rules, whereas W.P.No.279 of 2010 was filed seeking permission to continue the petitioner in the service of the respondent company till he attains superannuating age of 60 years i.e., 31.01.2012.

3. Though this Court granted interim stay in W.P.No.80 of 2010, by order dated 06.01.2010, the same was vacated on 29.01.2010 with the following observations.

“ A counter- affidavit has been filed on behalf of the respondents stating that pursuant to the decision taken by the Board of Directors deciding to reduce the age of superannuation of employees from 60 to 58 years, which was also approved by the Government of India, Clause 19.4 of the certified Standing orders of the respondents was amended reducing the age of superannuation from 60 to 58 years.

Heard the learned counsel for both the parties.

It is apparent that the impugned notice dated 31.12.2009, informing the petitioner, that he would be attaining the age of superannuation i.e., 58 years on 8.1.2010 was issued in terms of Clause 19.4 of the Certified Standing Orders. As long as the said Clause 19.4 stands good and operates the field, the petitioner cannot be permitted to continue beyond the age of 58 years. Hence, the interim order cannot be continued any longer.

Accordingly, the interim order is vacated. Post the writ

petition for final hearing along with batch of matters in which similar issue is involved.”

4. Having regard to the facts and circumstances of the case and in view of the fact that the petitioner retired from service on 31.01.2010, nothing survives for adjudication in the present writ petitions and they have become infructuous.

5. Accordingly, the writ petitions are dismissed as infructuous. No order as to costs. Miscellaneous Petitions pending, if any, shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 24.02.2016

TJMR