

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.32776 of 2016

ORDER:

The petitioners worked as Community Health Volunteers under the control of the respondents 3 and 4. When they claimed regularisation of their services, the G.O.Ms.No.542, Municipal Administration & Urban Development (K1) Department, dated 31.08.2009 was issued rejecting the proposal for regularisation of services and permitted respondent No.2 to allow minimum time scale to 310 employees, who were working under the control of respondent No.2 plus D.A. without H.R.A. and other allowances in respect of the persons, who are appointed prior to cut-off date i.e., 25.11.1993. No service rules are framed in respect of the petitioners. However, when an order was issued on 16.04.2016 retiring the petitioners on attaining the age of superannuation of 60 years, the present writ petition was filed.

Learned counsel for the petitioners submits that the petitioners must be allowed to continue in service till their health condition permits and there cannot be any age of retirement. The application of retirement age of the Class IV employees to the petitioners is bad in law.

Learned Standing Counsel appearing for the respondent No.2 submits that the writ petition itself is not maintainable, and even assuming that the writ petition is maintainable, the petitioners cannot take advantage of the absence of service rules and claim continuance beyond 60 years.

Admittedly, the petitioners attained the age of 60 years and applying the age of retirement applicable to the Class IV employees, they were asked to retire from service, though there are no service rules applicable to them. Any person, who is in the Government service, shall have to retire on attaining the age of superannuation. The absence of service rules in the case of petitioners cannot be taken advantage by the petitioners.

In the circumstances, this Court sees no ground to interfere with the impugned order, and accordingly, this Writ Petition is dismissed at the admission stage. No order as to costs.

Miscellaneous Petitions pending, if any, shall stand closed.

A.RAMALINGESWARA RAO, J

27.09.2016
MVA