

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.P.No.28263 of 2015

ORDER:

Heard Smt. M.Shalini, learned counsel for the petitioners, learned Government Pleader for Cooperation appearing for respondent Nos.1 and 2 and Smt. Bobba Vijaya Lakshmi, learned counsel for respondent Nos.3 and 4.

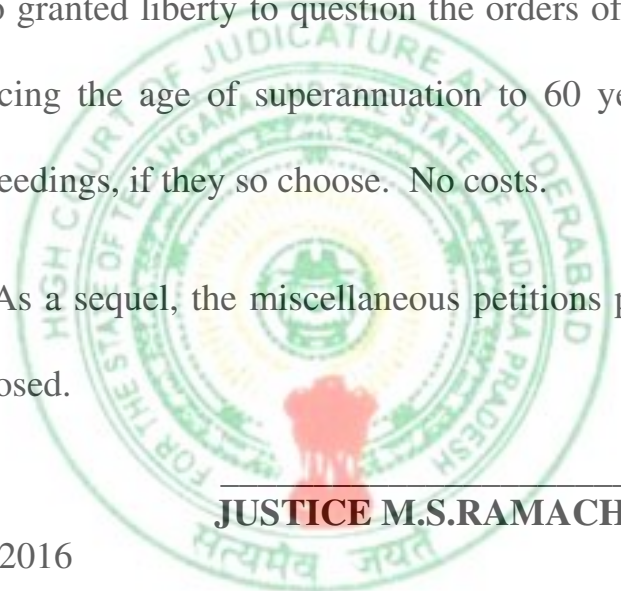
2. The petitioners in this Writ Petition are employees of the District Cooperative Central Bank, Guntur. They assail the action of the respondents in proposing to retire them from service on attaining the age of 58 years. They contend that as per the Act 4 of 2014, Government employees are allowed to retire at the age of 60 years and a statement was also made by the Hon'ble Chief Minister on the day when he was sworn in as Chief Minister that employees would be allowed to continue in service till they attained the age of 60 years.

3. On 03-09-2015 this Court in W.P.M.P.No.36645 of 2015 granted the interim order to continue the petitioners in service until further orders. On 29-06-2016, this Court directed the respondents to take a decision with regard to the age of superannuation taking into consideration the provisions of Section 115-D (2) (iv) of the A.P. Cooperative Societies Act, 1964 and also memoes of the Government issued from time to time.

4. It is not in dispute that subsequent thereto, the Managing Committee of the Bank took a decision to retain the age of superannuation at 58 years only and did not extend the age of superannuation of their employees to 60 years.

5. Therefore, the petitioners are not entitled to continue in service till they attained the age of 60 years. However, they are entitled to wages for the period they have worked after they attained age of 58 years in view of the interim order passed by this Court. They are also granted liberty to question the orders of their employer in not enhancing the age of superannuation to 60 years by way of separate proceedings, if they so choose. No costs.

6. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.



JUSTICE M.S.RAMACHANDRA RAO

Date: 13-12-2016
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