

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.11951 OF 2011

ORDER:

Heard learned counsel for the petitioner and Sri D. Pochaiah, learned Standing Counsel for the respondent - Authority.

Pursuant to the recruitment notification dated 11.08.1993, the petitioner was selected and appointed as Volley Ball Coach by order dated 07.09.1993. The said appointment was treated as on consolidated pay. Earlier, the petitioner along with others filed W.P.No.3553 of 2002 praying to consider the representation for regularisation of their services. The Writ Petition was disposed of by order dated 11.03.2008 considering the claim of the petitioner and others for regularisation. The Government accepted the request of the petitioner and others only to the extent of higher remuneration payable to Coaches and extended the scale of pay as applicable to Grade III Coach. The revised scale of Grade III Coach was extended to the petitioner.

2. Learned counsel for the petitioner would submit that the petitioner along with 34 others filed W.P.No.4819 of 2009 praying to grant regularisation of services and the said Writ Petition is pending. While so, by proceedings dated 06.10.2010, the petitioner was informed that he is attaining the age of superannuation on 30.04.2011 and he should be retired from service. Challenging the said proceedings, this Writ Petition is filed.

3. The only submission of learned counsel for the petitioner is that the petitioner being a person working on consolidated pay, the age of superannuation prescribed to the regular employees is not applicable and therefore the petitioner could not have been retired from service on the ground that he was attaining the age of superannuation as prescribed for the regular employees and ought to have been continued in service.

4. It is not in dispute that for all the regular employees working in the Sports Authority, the age of superannuation prescribed is 58 years. The petitioner was working on consolidated pay basis. His appointment order does not prescribe any other conditions of service nor it stipulates that he would be continued in service even after he completes the age of 58 years. When there is no other condition of service prescribed in the order of appointment, it cannot be said that the decision of the employer to retire the petitioner on attaining the age of 58 years, which is prescribed age of retirement for the regular employees, is illegal. In the absence of any other specific conditions of service or an agreement entered into by the petitioner with the employer, it cannot be said that the age of retirement as prescribed for the regular employee cannot be made applicable to the employee working on consolidated pay. The consolidated pay employee cannot seek to have a longer service than applicable to regular employee. Hence, I do not see any merit in the contention of learned counsel for the petitioner and the Writ Petition is liable to be dismissed.

5. The Writ Petition is accordingly dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, filed in this Writ Petition shall stand closed.

Date:21.09.2016

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P. NAVEEN RAO, J

