

The Hon'ble Sri Justice C.V.Nagarjuna Reddy
and
The Hon'ble Sri Justice G.Shyam Prasad

Writ Petition No.21978 of 2016

—
Date: 08.07.2016

Between:

K.Madhusudhan Rao

..Petitioner

and

The State of Andhra Pradesh
rep. by its Prl.Secretary to Govt.
Revenue (Excise-I) Dept.,
A.P.Secretariat, Hyderabad and 8 others

..Respondents

Counsel for the petitioner: Mr.D.Linga Rao

Counsel for respondent Nos.1, 3 & 5: GP for Services (AP)

Counsel for respondent Nos.2, 4 & 6: GP for Services (TS)

**Counsel for respondent No.8: B.Narayan Reddy,
Asst.Solicitor General**

The Court made the following:

Order: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

Feeling aggrieved by Order, dated 23-06-2016,
in OA.No.2202 of 2016, on the file of the
A.P.Administrative Tribunal at Hyderabad (for short
'the Tribunal'), the applicant in the said OA filed this

Writ Petition.

We have heard Mr.D.Linga Rao, learned Counsel for the petitioner, and perused the record.

The undisputed facts as narrated by the Tribunal are that the petitioner, who was working as the Prohibition and Excise Superintendent, declared his nativity as the State of Telangana and gave his option for serving the said State. On 31.01.2016, he was relieved from Gudur, Andhra Pradesh, where he was working as the Prohibition and Excise Superintendent and posted at Jagtial in the Telangana State. Accordingly, he has joined in the said place and retired on attaining the age of 58 years on 31-03-2016. He has, thereafter, filed the above mentioned OA with the grievance that as the final allocation has not been made so far, he could not have been retired by treating him as an employee of the Telangana State on his completing 58 years of age, which is the age of retirement in the Telangana State as against 60 years of age in the State of Andhra Pradesh.

The main plea of the petitioner appears to be based on interim order, dated 01-04-2016, passed by

this Court in WP.No.10132 of 2016, wherein this Court has restrained the respondents from giving effect to notification, dated 16-12-2015, making final allocations without finalising the *inter se* seniority. The Tribunal has very rightly opined that even before the said interim order was passed, the petitioner was retired on attaining the age of superannuation of 58 years applicable in the State of Telangana and that the petitioner having opted for Telangana State, it lies ill in his mouth to say that he is entitled to be continued beyond 58 years of age.

In the afore-mentioned facts, we do not find any illegality in the order of the Tribunal. Hence, the Writ Petition is dismissed.

As a sequel to dismissal of the Writ Petition, WPMP.No.27010 of 2016, filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

—
—

(G.Shyam Prasad, J)

Dt: 1st July, 2016
lur

