

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

The Hon'ble Sri Justice G.Shyam Prasad

Writ Appeal No.615 of 2016

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Date: 27.07.2016

Between:

The Union of India
rep. by its Secretary
Ministry of Home Affairs
North Block, New Delhi and 2 others

..Appellants

and

M.Satyanarayana Reddy

..Respondents

**Counsel for the Appellants: Mr.K.L.N.Raghavender
Reddy**

**for Mr.B.Narayana Reddy,
Asst.Solicitor**

General

**Counsel for the respondent: Mr.Ravi Kumar
Vadlakonda**

The Court made the following:

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

Order, dated 20-06-2016, in
WPMP.No.13549 of 2016 in WP.No.10762 of

2016, is questioned in this Writ Appeal by the Union of India and others, who are the respondents in the Writ Petition.

The main issue that was considered by the learned Single Judge, while granting the interim order for staying the operation of compulsory retirement of the respondent - writ petitioner, was that the appellants failed to review the respondent's case six months before he completed 30 years of qualifying service as required under the extant regulations.

Mr.KLN.Raghavender Reddy, learned Counsel representing Mr.B.Narayana Reddy, learned Assistant Solicitor General, submitted that the respondent has suffered punishment for a period of 8 months and 3 days and that the learned Single Judge has not taken the said aspect into consideration while passing the impugned order. He has further admitted that the respondent had joined the employment on 25-04-1985 and that in normal course, he would have completed 30 years of qualifying service as on 24-04-2015.

If we add a period of 8 months and 3 days

to the aforesaid period, the respondent has completed 30 years of qualifying service as on 28-12-2015 and in such an event, as per Rule, the appellants should have reviewed the case of the respondent on or before 28-06-2015, but they have reviewed the case on 14-11-2015.

In the light of the above admitted facts and in the face of the peremptory rule, which mandates that the review should be undertaken six months before completion of 30 years of qualifying service, we do not find any exception to the order of the learned Single Judge in suspending the order impugned in the Writ Petition.

Hence, we do not find any merit in this Writ Appeal and the same is, accordingly, dismissed.

As a sequel to dismissal of the Writ Appeal, WAMP.No.1617 of 2016, filed by the appellants for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

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(G.Shyam Prasad, J)

Dt: 27th July, 2016
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