

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
HON'BLE SRI JUSTICE G.SHYAM PRASAD

WRIT APPEAL No.590 of 2016

Date:25.7.2016

Between:

Venkata Narsinga Rao,
S/o Late Jagadeeswara Rao

.....Appellant

And:

The State of A.P., repled by its
Principal Secretary, Food, Agriculture
& Co-Operation Department,
Hyderabad and four others.

....Respondents

Counsel for the appellant: Mr. G.V.Shivaji

Counsel for Respondent Nos.1 to 4: GP for Co-Operation
(TS)

Counsel for Respondent No.5: Mr. V.S.K.Rama Rao

The Court made the following:

JUDGMENT: *(per Hon'ble Sri Justice C.V.Nagarjuna Reddy)*

This Writ Appeal is filed against order, dated
30.12.2015, in WPMP.No.54707 of 2015 in Writ Petition

No.42413 of 2015.

The dispute raised in the afore-mentioned Writ Petition pertains to age of superannuation of the appellant, who filed the Writ Petition.

It is the pleaded case of the appellant that respondent No.5, being the Co-Operative Credit Society, is conferred with the autonomy under the provisions of Section-115-D of the Andhra Pradesh Co-Operative Societies Act, 1964 (for short 'the Act') and that, in pursuance of the same and in line with the decision taken by the Government of Andhra Pradesh to enhance the age of superannuation from 58 years to 60 years, respondent No.5 has passed an unanimous resolution in its General Body meeting held on 26.8.2015, enhancing the age of superannuation of its employees from 58 years to 60 years.

The appellant being an employee of respondent No.5, therefore, filed the afore-mentioned Writ Petition assailing the action of the official respondents in not permitting respondent No.5 to continue its employees, including the appellant, beyond the age of 58 years.

In WPMP.No.54707 of 2015, filed for a direction to the respondents to continue the services of the appellant as Manager beyond the age of 58 years, the learned single Judge while placing reliance on the Division Bench judgment, dated 26.10.2015, in Writ Appeal No.872 of 2015 and batch, declined to grant an ad interim order and instead, adjourned the case to 27.01.2016.

Mr. G.V.Shivaji, learned counsel for the appellant, submitted that the afore-mentioned judgment of the Division Bench has no application to the case on hand as, the said case related to normal Co-operative Societies and not to the Co-Operative Credit Societies, which were treated distinctly under the Act. He has further submitted that when similar cases came up before the learned single Judge, after the order under

appeal was passed, he has disposed of the Miscellaneous Applications filed therein with the direction to the Registrar of Co-Operative Societies to consider the cases of the petitioners therein with reference to Section-115 D of the Act. The learned counsel, however, has not filed copies of the said orders.

Be that as it may, since the Writ Petition is pending, we do not deem it proper to express any opinion on the merits of the case. As the impugned order is only an ad interim order and the Miscellaneous Application has not been disposed of, it is felt appropriate to permit the appellant to move the learned single Judge for passing appropriate order in WPMP.No.54707 of 2015.

Accordingly, liberty is given to the appellant in this regard. If such application is moved, we have no doubt that the learned single Judge will treat the case on priority basis and pass a suitable order.

Subject to the above observations, the Writ Appeal is disposed of.

As a sequel to disposal of the Writ Appeal, WAMP.No.1577 of 2016 filed by the appellant for interim relief is disposed of as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

JUSTICE G.SHYAM PRASAD

*25th July 2016
DR*