

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

TUESDAY, THE THIRD DAY OF FEBRUARY,
TWO THOUSAND AND FIFTEEN

:PRESENT:
THE HON'BLE SRI JUSTICE **NOOTY RAMAMOHANA RAO**

WP .NO: 21205 of 2014

Between:

1. I.V.Subrahmanyam, S/o. I.Dattathreyulu
2. G.Venkataramana, S/o. Late G.Gangulaiah
3. R.Thatha Babu, S/o. R.Jangamayya
4. S.V.V.Narsimha Raju, S/o. Venkata Subbaraju
5. Pattela Satyanarayana, S/o. P.V.Narasimha Rao
6. K.Ramanatha Sarma, S/o. K.Subrahmanyam
7. M.Satyanarayana, S/o. Mangapathi Rao
8. A.V.Pratap Reddy, S/o. Brahma Reddy
9. V.B.V.Lakshmi Narasamma, W/o. Late Sri B.Venkat Raju

..... Petitioners

AND

- 1 The Government of Andhra Pradesh, rep. by its Principal Secretary, Cooperation Department, Secretariat, Hyderabad.
- 2 The Government of Andhra Pradesh, rep. by its Principal Secretary, Food and Agriculture Department, Secretariat, Hyderabad.
- 3 Commissioner for Co - operation and Registrar of Co-operative Societies, Gruhakalpa, Nampally, Hyderabad.
- 4 President, Nellore District Co-operative Central Bank Limited, Nellore District
- 5 The Chief Executive Officer, District Co-operative Central Bank Ltd, Nellore District
- 6 President, Chittoor District Co-operative Central Bank Limited, Chittoor District
- 7 The Chief Executive Officer, District Co-operative Central Bank Ltd, Chittoor District.
- 8 President, Srikakulam District Co-operative Central Bank Limited, Srikakulam District.
- 9 The Chief Executive Officer, District Co-operative Central Bank Ltd, Srikakulam District.
- 10 President, East Godavari District Co-operative Central Bank Limited, East Godavari District.
- 11 The Chief Executive Officer, District Co-operative Central Bank Ltd, East Godavari District
- 12 President, Guntur District Co-operative Central Bank Limited, Guntur District.
- 13 The Chief Executive Officer, District Co-operative Central Bank Ltd, Guntur District
- 14 President, Kurnool District Co-operative Central Bank Limited, Kurnool District.
- 15 The Chief Executive Officer, District Co-operative Central Bank Ltd, Kurnool District
- 16 President, The Andhra Pradesh State Co-operative Bank Limited, Vijayawada District.
- 17 The Chief Executive Officer, The Andhra Pradesh State Co-operative Bank Limited, Vijayawada District.

.....Respondents

..2..

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to issue appropriate Writ or any other order or direction particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in issuing retirement notices is contrary to Act 4 of 2014 dated 27.06.2014 illegal and arbitrary consequently direct the Respondents to decide the petitioners age of superannuation as per the above said Act in the interest of justice.

The Petition coming on for hearing, upon perusing the Petition and the affidavit filed herein and the order of the High Court dated 29-01-2015 made herein and upon hearing the arguments of Smt. M. Shalini, Advocate for the Petitioners, G.P. for Cooperation, (AP) for the Respondents 1 to 3, Sri Srinivas Polavarapu, Advocate for the Respondent No.5, Sri T.Nagarjuna Reddy, Advocate for the Respondents 6 & 7, Sri K.Anoop Kumar, Advocate for the Respondents 8 & 9, Sri K.V. Seshagiri Rao, Advocate for the Respondents 10 & 11, Sri N. Lakshmi Narayana, Advocate for the Respondents 12 and 13, Sri M.Koteshwar Rao, Advocate for the Respondents 14 and 15, and of Sri V.Kishore, Advocate for the Respondents 16 & 17, the Court made the following

ORDER:

“ **Learned Government Pleader for Cooperation (Andhra Pradesh)** would submit that the **Commissioner and Registrar of Cooperative Societies** has already taken up the issue relating to the applicability of Act 4 of 2014, which amended the **Andhra Pradesh Public Employment (Regulation of Age of Superannuation) Act, 2014** to the employees working in various cooperative societies and the matter is now pending consideration of the State Government. The learned Government Pleader would further submit that if all these cases can be adjourned and posted to 23.02.2015, the decision taken by the State Government in the matter by then would emerge.

However, the learned counsel appearing for various banks and cooperative societies would submit that the very issue of applicability of the provisions contained in Act 4 of 2014 is debatable. In fact, it was urged that some of the learned Single Judges, including me, have already expressed an opinion that the provisions of Act 4 of 2014 are not applicable to those persons, who are not covered by the sweep of sub-section (2) of Section 1 of the principal Act.

In that view of the matter, the apex cooperative societies and the banks shall undertake to re-induct all such employees, who have now already attained the age of superannuation of 58 years, back into service, in the event

the State Government takes a decision holding the age of superannuation for such employees also as 60 years and any such decision binds the societies concerned.
Post on 23.02.2015 in motion list along with Writ Petition No. 20993 of 2014.”

ASSISTANT REGISTRAR

//TRUE COPY//

for ASSISTANT REGISTRAR

..3..

To

1. The Principal Secretary, Cooperation Department, Government of Andhra Pradesh, Secretariat, Hyderabad.
2. The Principal Secretary, Food and Agriculture Department, Government of Andhra Pradesh, Secretariat, Hyderabad.
3. The Commissioner for Co - operation and Registrar of Co-operative Societies, Gruhakalpa, Nampally, Hyderabad.
4. The President, Nellore District Co-operative Central Bank Limited, Nellore District
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14. The President, Kurnool District Co-operative Central Bank Limited, Kurnool District.
15. The Chief Executive Officer, District Co-operative Central Bank Ltd, Kurnool District
16. The President, The Andhra Pradesh State Co-operative Bank Limited, Vijayawada District.
17. The Chief Executive Officer, The Andhra Pradesh State Co-operative Bank Limited, Vijayawada District.
18. Two CCs to G.P. for Co-operation (AP), High Court, Hyd(OUT)
 19. One CC to Smt. M.Shalini, Advocate(OPUC)
 20. One spare copy.

SAH

HIGH COURT

NRRJ

DATED: 03-02-2015

**NOTE: POST ON 23-02-2015 IN MOTION LIST
ALONG WITH WP.NO. 20993 OF 2014**

ORDER

WP.NO. 21205 OF 2014

DIRECTION

**DRAFTED BY: SAH
APPROVED BY:
DRAFTED ON: 05-02-2015**

HIGH COURT

NRRJ

DATED: 03-02-2015

**NOTE: POST ON 23-02-2015 IN MOTION LIST
ALONG WITH WP.NO. 20993 OF 2014**

ORDER

DIRECTION