

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
HON'BLE MS. JUSTICE J. UMA DEVI

WRIT PETITION NOs.28234, 28244, 28245, 28257, 28270,
28284, 28333, 28353, 28506, 28518, 28535, 28542, 28545,
28548, 28549, 28559, 28578, 28585, 28749 OF 2017

COMMON ORDER: (per Hon'ble the Acting Chief Justice Ramesh Ranganathan)

The petitioners, in all these Writ Petitions, are employees of the Andhra Pradesh Heavy Machinery and Engineering Limited, Vijayawada which is a Corporation listed under Schedule IX of the A.P. Reorganisation Act, 2014. Their grievance is that, despite G.O.Ms. No.138 dated 08.08.2017 having been issued by the Government of Andhra Pradesh amending G.O.Ms. No.102 dated 27.06.2017, the respondent Corporation has not yet taken any decision to amend its regulations to increase the age of superannuation of its employees from 58 to 60 years.

G.O.Ms. No.102 dated 27.06.2017, issued earlier, records the in-principle approval of the Government of A.P. to enhance the age of superannuation of employees working in IX and X Schedule institutions. The in-principle approval was made subject to the conditions specified in paragraph 4 of the G.O. which required a specific decision, to enhance the age of superannuation, to be taken by the Board of Directors/Managing Committees of IX and X Schedule entities; and for the institutions to take into consideration their financial position, and genuineness of their need to enhance the age of superannuation. The order in G.O.Ms. No.102 dated 27.06.2017 was to come into force prospectively from the date the orders were issued by the competent authorities, after amending the relevant regulations/bye-laws.

G.O.Ms. No.138 dated 08.08.2017 was issued amending para 5 of G.O.Ms. No.102 dated 27.06.2017. As a result of the amendment, the orders issued in G.O.Ms. No.102 dated 27.06.2017 was brought into

force with effect from 02.06.2014; and Government/Corporations/Societies were to amend their relevant regulations/bye-laws accordingly. Para 5 of G.O.Ms. No.138 dated 08.08.2017 further records the order of the Government that employees working in Companies/ Corporations/Societies, included in Schedule IX and X of the A.P. Reorganisation Act, shall not be superannuated only on the ground of attainment of 58 years of age; and in case such employees are superannuated on that ground, he/she shall be continued upto 60 years.

As noted hereinabove, G.O.Ms. No.138 dated 08.08.2017 is only an amendment to para 5 of G.O.Ms. No.102 dated 27.-6.2017, and does not delete the conditions stipulated in paragraph 4 of G.O.Ms. No.102 dated 27.06.2017 which required the Board of Directors/Managing Committees of the IX and X Schedule entities to take a specific decision to enhance the age of superannuation from 58 to 60 years; and, while doing so, for the institutions to take into consideration their financial position, and the genuineness of their need to enhance the age of superannuation of their employees. On such a decision being taken, and in case the entities resolved to enhance the age of superannuation of its employees upto 60 years, all the employees were required to be continued to remain in service till the age of superannuation of 60 years.

Sri J. Prabhakar, Learned Counsel appearing on behalf of the respondent-Corporation, would submit that, in terms of G.O.Ms. No.102 dated 27.06.2017 as amended by G.O.Ms. No.138 dated 08.08.2017, a decision would be taken by the Board of Directors of the respondent-Corporation within one month from today as to whether or not to enhance the age of superannuation of its employees from 58 to 60 years.

In the light of the submission of Sri J. Prabhakar, Learned Counsel, we consider it appropriate to dispose of the Writ Petitions directing the respondent-corporation to take a decision, regarding

enhancement of the age of superannuation, of its employees from 58 to 60 years, within one month from today. In case the Corporation takes a decision to enhance the age of superannuation of its employees from 58 years to 60 years, it shall then, in the light of G.O.Ms. No.138 dated 08.08.2017, reinstate all those employees who retired from service on attaining the age of 58 years but have not attained 60 years of age; and continue them in service till they reach the age of superannuation of 60 years.

All the Writ Petitions are disposed of accordingly. The miscellaneous petitions pending, if any, shall stand closed. No costs.

(RAMESH RANGANATHAN, ACJ)

(J. UMA DEVI, J)

Date: 29-08-2017.

Note: Issue copy in three days.
B/o
MRKR

