

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

Writ Petition Nos.18205, 21660, 40864 of 2014; 10993, 15286, 16870, 17215, 17254, 17349, 18395, 18505, 18660, 18813, 19030, 19256, 20279, 22432, 22866, 24885, 24914, 24924, 25192, 25350, 26781, 27048, 27312, 27330, 33371, 39193, 41047, 41348, 41432, 42400 of 2015; 720, 727, 740, 796, 846, 918, 2292, 2828, 5071, 10476, 10620, 10670, 11120, 12468, 14344, 14668, 14679, 14750, 14916, 15204, 15361, 15518, 15548, 15717, 15741, 15893, 16313, 16453, 16774, 16821, 16834, 16925, 17422, 17426, 17489, 17845, 17847, 17852, 17865, 17876, 18057, 18138, 18525, 18539, 18627, 18640, 18706, 18736, 18757, 18789, 18791, 18792, 18798, 18815, 18817, 18945, 18993, 19161, 19162, 19172, 19239, 19246, 19320, 19983, 19990, 19993, 20038, 20045, 20060, 20077, 20228, 20275, 20379, 20381, 20452, 20495, 20814, 20815, 20836, 20845, 20849, 20876, 20898, 20989, 21127, 21132, 21135, 21287, 21315, 21437, 21584, 21638, 21675, 21678, 21757, 21808, 21826, 21833, 21836, 21847, 21875, 21890, 22054, 22112, 22174, 22206, 22282, 22449, 22505, 22544, 22587, 22590, 22634, 22891, 23376, 23380, 23503, 23505, 23515, 23540, 23602, 23684, 23780, 23808, 23861, 24029, 24062, 24122, 24142, 24210, 24213, 24363, 24661, 24703, 24722, 24754, 24786, 24916, 25192 and 25201 of 2016.

W.P.No.18205 of 2014

Between:

G.Rama Mohan Rao & Anr.

.... Petitioners

and

The Government of Andhra Pradesh, rep, by its Principal Secretary and Chairman, Agricultural, Marketing & Cooperative Department, Secretariat, Hyderabad & Anr.

.... Respondents

DATE OF JUDGMENT PRONOUNCED: 07.03.2017

SUBMITTED FOR APPROVAL:

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

*** THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN**
AND
***THE HON'BLE SRI JUSTICE U. DURGA PRASAD RAO**

+ Writ Petition Nos.18205, 21660, 40864 of 2014; 10993, 15286, 16870, 17215, 17254, 17349, 18395, 18505, 18660, 18813, 19030, 19256, 20279, 22432, 22866, 24885, 24914, 24924, 25192, 25350, 26781, 27048, 27312, 27330, 33371, 39193, 41047, 41348, 41432, 42400 of 2015; 720, 727, 740, 796, 846, 918, 2292, 2828, 5071, 10476, 10620, 10670, 11120, 12468, 14344, 14668, 14679, 14750, 14916, 15204, 15361, 15518, 15548, 15717, 15741, 15893, 16313, 16453, 16774, 16821, 16834, 16925, 17422, 17426, 17489, 17845, 17847, 17852, 17865, 17876, 18057, 18138, 18525, 18539, 18627, 18640, 18706, 18736, 18757, 18789, 18791, 18792, 18798, 18815, 18817, 18945, 18993, 19161, 19162, 19172, 19239, 19246, 19320, 19983, 19990, 19993, 20038, 20045, 20060, 20077, 20228, 20275, 20379, 20381, 20452, 20495, 20814, 20815, 20836, 20845, 20849, 20876, 20898, 20989, 21127, 21132, 21135, 21287, 21315, 21437, 21584, 21638, 21675, 21678, 21757, 21808, 21826, 21833, 21836, 21847, 21875, 21890, 22054, 22112, 22174, 22206, 22282, 22449, 22505, 22544, 22587, 22590, 22634, 22891, 23376, 23380, 23503, 23505, 23515, 23540, 23602, 23684, 23780, 23808, 23861, 24029, 24062, 24122, 24142, 24210, 24213, 24363, 24661, 24703, 24722, 24754, 24786, 24916, 25192 and 25201 of 2016.

W.P.No.18205 of 2014

% Dated 07-03-2017

G.Rama Mohan Rao & Anr.

.... Petitioners

v.

\$ The Government of Andhra Pradesh, rep, by its Principal Secretary and Chairman, Agricultural, Marketing and Cooperative Department, Secretariat, Hyderabad & Anr.

.... Respondents

! Counsel for petitioners:

Sri M. Surendra Rao, Sri G. Vidyasagar and Sri K.G.Krishna Murthy, Learned Senior Counsel,

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^ Counsel for respondents:

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- 127) 2008(5) ALT 115 (F.B)



THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SRI JUSTICE U. DURGA PRASAD RAO

Writ Petition Nos.18205, 21660, 40864 of 2014; 10993, 15286, 16870, 17215, 17254, 17349, 18395, 18505, 18660, 18813, 19030, 19256, 20279, 22432, 22866, 24885, 24914, 24924, 25192, 25350, 26781, 27048, 27312, 27330, 33371, 39193, 41047, 41348, 41432, 42400 of 2015; 720, 727, 740, 796, 846, 918, 2292, 2828, 5071, 10476, 10620, 10670, 11120, 12468, 14344, 14668, 14679, 14750, 14916, 15204, 15361, 15518, 15548, 15717, 15741, 15893, 16313, 16453, 16774, 16821, 16834, 16925, 17422, 17426, 17489, 17845, 17847, 17852, 17865, 17876, 18057, 18138, 18525, 18539, 18627, 18640, 18706, 18736, 18757, 18789, 18791, 18792, 18798, 18815, 18817, 18945, 18993, 19161, 19162, 19172, 19239, 19246, 19320, 19983, 19990, 19993, 20038, 20045, 20060, 20077, 20228, 20275, 20379, 20381, 20452, 20495, 20814, 20815, 20836, 20845, 20849, 20876, 20898, 20989, 21127, 21132, 21135, 21287, 21315, 21437, 21584, 21638, 21675, 21678, 21757, 21808, 21826, 21833, 21836, 21847, 21875, 21890, 22054, 22112, 22174, 22206, 22282, 22449, 22505, 22544, 22587, 22590, 22634, 22891, 23376, 23380, 23503, 23505, 23515, 23540, 23602, 23684, 23780, 23808, 23861, 24029, 24062, 24122, 24142, 24210, 24213, 24363, 24661, 24703, 24722, 24754, 24786, 24916, 25192 and 25201 of 2016.

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

In these batch of Writ Petitions the petitioners, who are all employees of Corporations/Companies/Societies/Institutions, listed in the IX and X Schedule of the A.P. Reorganisation Act, 2014 (the "2014 Central Act" for short), have invoked the jurisdiction of this Court, under Article 226 of the Constitution of India, to declare the orders issued by the Government of Andhra Pradesh, in G.O.Ms

petitioners seek a declaration from this Court that they are entitled to continue in service till they attain the age of superannuation of 60 years.

The corporations/companies/societies, of which the petitioners are employees of, are categorized as (a) Corporations/Companies listed under the IX schedule; (b) Societies/Cooperative Societies under the IX schedule; (c) other institutions in the IX schedule; (d) societies listed in the X schedule; and (e) other institutions listed in the X schedule.

(a) Companies and corporations listed under the IX schedule are:-

- (1) A.P. Seeds Development Corporation (entry 1 of the IX schedule).
- (2) AP State Agro Industries Development Corporation (entry 2 of the IX schedule)
- (3) AP State Warehousing Corporation (entry 3 of the IX schedule).
- (4) AP State Civil Supplies Corporation (entry 4 of the IX schedule).
- (5) AP TRANSCO/GENCO (entry 6 of the IX schedule).
- (6) New and Renewable Energy Development Corporation of AP (entry 8 of the IX schedule).
- (7) AP Forest Development Corporation (entry 9 of the IX schedule)
- (8) AP State Police Housing Corporation (entry 12 of the IX schedule).
- (9) AP State Housing Corporation (entry 13 of the IX schedule).
- (10) AP Mineral Development Corporation (entry 16 of the IX schedule).
- (11) AP Industrial Infrastructure Corporation (entry 17 of the IX schedule).
- (12) AP State Finance Corporation (entry 19 of the IX schedule).
- (13) AP Handicrafts Development Corporation (entry 21 of the IX schedule).
- (14) AP Trade Promotion Corporation (entry 22 of the IX schedule).

(15) AP State Irrigation Development Corporation (entry 23 of the IX schedule).

(16) AP State Minority Welfare Finance Corporation (entry 24 of the IX schedule).

(17) AP State Beverages Corporation (entry 25 of the IX schedule).

(18) AP Education And Welfare Infrastructure Development Corporation (entry 77 of the IX schedule).

(b) Societies/Co-operative Societies listed under the IX schedule are:-

(19) AP Co-Op Oil Seeds Growers Federation (entry 45 of the IX schedule).

(20) AP Women Co-Op Finance Corporation (entry 59 of the IX schedule).

(21) AP Defirmity Abled Senior Citizen Assistance Corporation (entry 60 of the IX schedule).

(22) AP Society for Training and Employment Promotion (entry 66 of the IX schedule).

(23) AP Girijan Co-Op Corporation (entry 75 of the IX schedule).

(24) AP Schedule Caste Co-operative Finance Corporation (entry 78 of the IX schedule).

(25) AP Backward Classes Co-Operative Finance Corporation (entry 79 of the IX schedule).

(iii) Other Institutions listed under the IX schedule are:-

(26) AP Khadi Village Industries Board (entry 51 of the IX schedule).

(iv) Societies listed under the X Schedule are:

(27) AP State Co-Op. Union Limited (entry 1 of the X schedule).

(28) Society for Elimination of Rural Poverty (entry 37 of the X schedule).

(29) AP Residential Education Institution Society (entry 41 of the X schedule).

(30) AP Social Welfare Residential Education Institution Society (entry 42 of the X schedule).

(31) AP Backward Classes Residential Education Institution Society (entry 48 of the X schedule).

(32) AP Tribal Welfare Residential Education Institution Society.

(v) Other Institutions listed under the X Schedule are:-

(33) Board of Intermediate Education (entry 19 of the X schedule).

(34) Telangana Social Welfare Board (entry 92 of the X schedule).

(35) AP Consumer Redressal Commission – Consumer Protection Act, 1986

(36) NTR University of Health Sciences – AP University of Health Sciences Act, 1971.

It is wholly unnecessary for us, while considering the rival submissions of the Learned Senior Counsel and the Learned Counsel on either side, to burden this judgment with the facts and events leading upto the filing of each of these Writ Petitions. It would suffice, instead, to note the claim of the Employees Federation, representing the employees in most, if not all, the respondent-organisations, that, under the Articles of Association/bye-laws of these legal entities, the Board of Directors/managing Committees are vested with the power to frame, and have been framing, rules/regulations regarding service conditions of employees working in their organisation; the Boards have been following Government norms, in framing service conditions of these employees, from time to time; there are specific provisions, in the Articles of Association of the PSUs, that any action or decision taken by the Directors, in the exercise of the powers vested in them under the Articles of Association, Memorandum of Association and the Companies Act shall prevail, and the shareholders in their general meeting cannot annul such decision of the Directors; Section 291 (2) of the Companies Act, 1956 may be referred to in this regard; though the Government, as the shareholder of the respective PSUs, is vested with the power to issue any directive, under the Articles of Association, to the

