

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.31286 of 2017

ORDER:

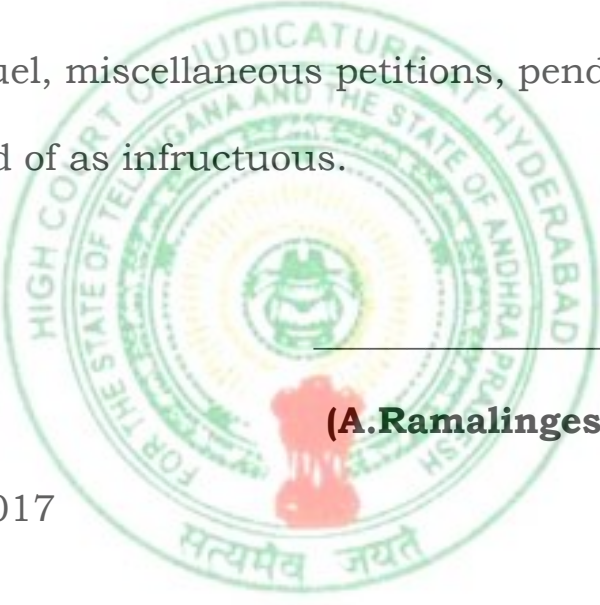
This writ petition was filed challenging the action of the 4th respondent in issuing retirement notice on 01.09.2017, proposing to retire the petitioners after attaining the age of superannuation i.e. 58 years. However, this Court granted an interim order on 21.09.2017 and by virtue of the same, the petitioners have been continuing. Now, a counter affidavit is filed by the 4th respondent, stating that though a resolution was passed by the 4th respondent, the resolution cannot be operated without concurrence from the 1st respondent. They have addressed a letter to the District Co-operative Officer and the District Co-operative officer in turn, addressed a letter to the 2nd respondent. Now, the learned counsel appearing for the 4th respondent submits that unless the 4th respondent is exempted from the provision of Rule 28 (6) of A.P. Cooperative Societies Rules, 1964, under Section 123 of the A.P. Cooperative Societies Act, 1964, they cannot implement the scheme of enhancing the age of superannuation from 58 to 60 years. As stated above, the matter is pending before the 2nd respondent. No counter affidavit is filed by the respondents No.1 and 2.

2. In the circumstances, this Court cannot continue the interim order, but however, directs respondents No.1 and 2

to consider the communication of the 4th respondent dated 03.07.2017 and pass appropriate orders thereon, within a period of four weeks from the date of receipt of a copy of the order. In view of the same, as and when the respondents No.1 and 2 issue appropriate orders, considering enhancing the age of superannuation of the employees working in the 4th respondent Cooperative Society to 60 years, it is open to the 4th respondent to take back the petitioners into service.

3. The writ petition is accordingly, disposed of.

4. As a sequel, miscellaneous petitions, pending if any, shall stand disposed of as infructuous.



(A.Ramalingeswara Rao,J)

Date: 05.12.2017

msb