

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.24702 of 2017

ORDER

The petitioners were employees under the control of the 3rd respondent-APSPDCL. They retired from service on attaining the age of 58 years. The Government of Andhra Pradesh issued G.O.Ms.No.147, dated 30.6.2014, clarifying the provisions of the Andhra Pradesh Public Employment (Regulation of Age of Superannuation) (Amendment) Act, 2014 (for short 'the Act'). The said G.O is applicable only to the categories mentioned in clauses (i) to (iv) read with sub-Section (6) of Section 2 of the Act.

The 3rd respondent vide its Board Resolution has taken a decision on 1.1.2015 enhancing the age of superannuation from 58 to 60 years. Pursuant to the said resolution, the 3rd respondent addressed a letter on 13.1.2015 seeking permission from the Government for enhancing the age of superannuation from 58 to 60 years. However, G.O.Ms.No.112, dated 18.6.2016 was issued stating that the age of Superannuation so enhanced cannot be made applicable to the Public Sector Undertakings/Institutions listed in the Ninth and Tenth Schedules of A.P.

Re-Organisation Act, 2014 until the matter of division of assets and liabilities of the Institution between the States of Andhra Pradesh and Telangana is settled.

Under those circumstances, the employees of the 3rd respondent approached this Court and a Division Bench of this Court in *G.Rama Mohan Rao & another vs Government of A.P. rep., by its Principal Secretary and Chairman Agricultural Marketing and Co-operative Department and another*¹ declared G.O.Ms.No.112, dated 18.6.2016, as illegal and directed the Government to take a decision on the resolution passed by the Board of Directors. The said decision of the Division Bench is carried in appeal to the Supreme Court and the Supreme Court disposed of all the appeals by observing as follows:

“Be that as it may, learned counsel appearing for the State of Andhra Pradesh has today brought to our notice an order dated 8.8.2017 issued by the Government of Andhra Pradesh whereby such employees have been granted the benefit of continuance upto 60 years of age. It has been ordered that the “said order dated 8.8.2017...shall come into force with effect from 2.6.2014.”

In that view of the matter, we do not think it necessary to retain these appeals in this Court any further. The stand of the Government is very clear. The Government Order dated 8.8.2017 permitting the employees to continue up to

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the age of 60 years has come into effect with effect from 2.6.2014. Therefore, all employees who have superannuated on account of attainment of age of 58 years on 2.6.2014 or thereafter are entitled to the protection of their service upto 60 years of age and naturally to all consequential benefits arising therefrom.”

In view of the said judgment of the Supreme Court dated 9.8.2017, the 3rd respondent has issued orders in respect of some of the employees and the orders in respect of the petitioners are also stated to be in progress.

In the circumstances, the writ petition is disposed of directing the 3rd respondent to pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

20th November, 2017
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