

**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: 1110 of 2015

Between:
Sri M.Satyanarayana, S/o. Sri M.Rama Murthy

..... Petitioner

AND

1. The State of Andhra Pradesh, rep by its Principal Secretary, Cooperative Department, Secretariat, Hyderabad.
2. The State of Andhra Pradesh, rep. by its Principal Secretary, Food and Agriculture Department, Secretariat, Hyderabad.
3. The District Co-operative Central Bank Ltd., East Godavari District, rep. by its Chief Executive Officer, Kakinada, A.P.

.....Respondents

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 an appropriate writ, order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the Respondent No.3 in issuing proceedings vide Estt/Retirements/2013-14 dated 31-12-2014 contrary to the G.O.Ms.No. 147 dated 30-06-2014 and in not considering representation dated 10-01-2015, as arbitrary, illegal, discriminative, in violation of principles of natural justice, violative of the Fundamental Right guaranteed under Articles 14 and the Constitutional Right guaranteed under Constitution of India.

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 Sri Srinivas Basava, Advocate for the Petitioner and of G.P. for Cooperation (AP) for the Respondents, 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.

..2..

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

To

1. The Principal Secretary, Cooperative Department, State of Andhra Pradesh, Secretariat, Hyderabad.
2. The Principal Secretary, Food and Agriculture Department, State of Andhra Pradesh, Secretariat, Hyderabad.
3. The Chief Executive Officer, District Co-operative Central Bank Ltd., East Godavari District, Kakinada, A.P.
4. Two CCs to G.P. for Co-operation (AP), High Court, Hyd(OUT)
5. One CC to Sri Srinivas Basava, Advocate(OPUC)
6. 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. 1110 OF 2015

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

WP.NO. 1110 OF 2015

DIRECTION