

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.24857 OF 2015

ORDER

This writ petition is filed seeking to issue a Writ of Mandamus declaring the action of the respondents in retiring the petitioners on 30.06.2014 and 30.09.2014 respectively, as arbitrary, illegal and consequently to direct the respondents to continue the petitioners upto 60 years.

Heard Sri M.Shalini, learned counsel appearing for the petitioners, learned Government Pleader for Agriculture appearing for the 1st respondent and learned Standing Counsel for Agro Industries Development Corporation Limited, appearing for the 2nd respondent.

When the matter is taken up for hearing, it has been brought to the notice of this Court that the State Government had issued G.O.Ms.No.138, dated 8.8.2018, extending the benefit of 60 years to all the employees working in Companies/Corporation/Societies and in pursuance of the same, the 2nd respondent also extended the age limit of 60 years uniformly to its employees and the said G.O. has come into force with effect from 27.6.2014. As on the date of 27.6.2014, the petitioners are in service and they have not completed 60 years of age.

This Court is of the considered view that G.O.Ms.No.138, dated 8.8.2017 has come into force from 27.6.2014 and as on date the petitioners are in service.

Even though the said G.O has retrospective effect, the petitioners were not extended the benefit of extension of 60 years and the petitioners had retired from service. Therefore, the petitioners are entitled to the monetary benefit in view of G.O.Ms.No.138, dated 8.8.2017, with all consequential benefits.

Accordingly, the writ petition is allowed directing the respondents to extend the monetary benefit by duly taking into account G.O.Ms.No.138, dated 8.8.2017, within a period of three months from the date of receipt of a copy of this order. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

25th April, 2018
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