

HON' BLE SRI JUSTICE SURESH KUMAR KAIT
&
HON' BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P. No. 5458 of 2018

ORDER:- (ORAL)

(Per Hon'ble Sri Justice Suresh Kumar Kait)

This writ petition is filed for the following substantive relief:

“.....to issue a writ of Mandamus directing the respondents to retain and continue the petitioner as Head Clerk in the permanent Lok Adalath at Ongole, Prakasam District till the petitioner attains the age of 69 years by holding that the condition imposed in the appointment order that the petitioner shall retire on attaining the age of 65 of years is not only against the guidelines issued by the Hon'ble Court in R.O.C.No. 701/E1/2010, dated 23.04.2011 but also the judgment of this Court dated 14.07.2016 in W.P.No. 15923 of 2014.”

As averred in the writ affidavit, the petitioner has attained the age of 65 years and would retire on 27.02.2018 if the order dated 14.07.2016 passed by this Court in W.P.No. 15923 of 2014 is not considered by the respondents.

It is not in dispute that further extension of services up to the age of 69 years would be given only by way of issuance of Notification by the respondents and the petitioner can apply for the same if he is found suitable, and only then, his case would be considered.

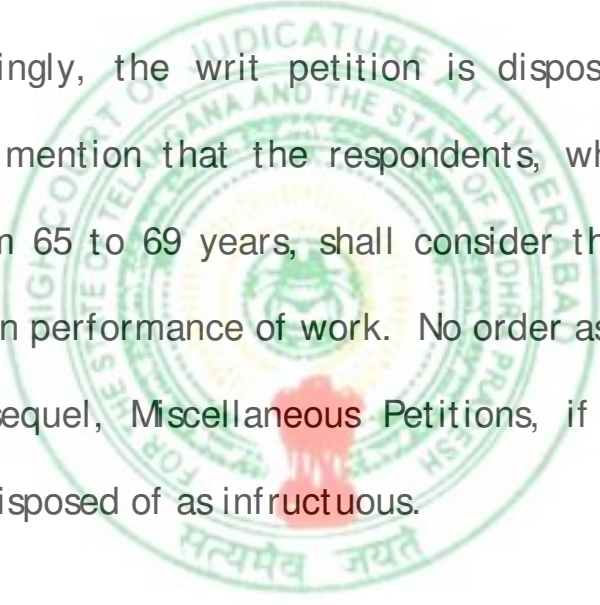
Sri J. Anil Kumar, learned counsel for the respondents, has admitted that till date no such Notification has been

issued by the respondents inviting applications for extension of services of Head Clerks up to the age of 69 years.

In view of the facts recorded above, we are of the considered opinion that let the petitioner shall continue to work as Head Clerk in the permanent Lok Adalat at Ongole, Prakasam District either till he attains the age of 69 years of age or till notification extending the age limit, is issued, whichever is earlier, subject to satisfaction of performance of his duties.

Accordingly, the writ petition is disposed of. It is needless to mention that the respondents, while extending the age from 65 to 69 years, shall consider the petitioner's case based on performance of work. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

SURESH KUMAR KAIT, J

20.02.2018

ABHINAND KUMAR SHAVILI, J

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