

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 24299 of 2004

O R D E R:

Respondent No.1 is Singareni Collieries Company limited represented by its Managing Director. Initially, the petitioner worked in Zilla Parishad School, Khammam from 27.09.1966 to 09.07.1976. Since respondent No.2—Educational Society offered better prospects than Zilla Parishad, petitioner joined in respondent No.2-educational society as Trained Graduate Assistant. While so, respondent authorities issued proceedings dated 01.03.1994 informing that the petitioner has attained the age of superannuation of 58 years and retires on the afternoon of 31.08.1994. Challenging the same, the petitioner filed a writ petition in WP No.13875 of 1994 contending that he is entitled to continue in service till he attains the age of 60 years on par with non-executive CMPF account holders of the respondent company. The said writ petition was allowed by this court and accordingly, the petitioner was reinducted and continued to work till the age of 60 years i.e., till 31.08.1996. However, the respondents carried the matter in WA No.201 of 1995, wherein, the Division Bench of

this Court by order dated 11.09.1997, set aside the order of the learned Single Judge in the writ petition in WP No.13875 of 1994.

2. The grievance of the petitioner is that the respondent-company did not settle his gratuity, encashment and CMPF of the petitioner, taking into account of his superannuation age as 60 years and that the service beyond 58 years should be accounted for the purpose of pensionary benefits. Questioning the same, the present writ petition is filed.

3. Heard learned counsel for petitioner and the learned Standing Counsel for respondents. Perused the material on record.

4. Learned counsel for petitioner contends that as per the orders of this court in WP No.13875 of 1994, the respondents allowed the petitioner to continue in service beyond 58 years and he retired at the age of 60 years and taking into account of the service rendered by petitioner beyond 58 years, he is entitled for all pensionary benefits, but the respondent-company arbitrarily with an ill-motive failed to pay the same. Some other retired persons, similar to the petitioner, were paid with the

pensionary benefits whereas the case of the petitioner was ignored.

5. Learned Standing Counsel for respondents contends that as per A.P.Educational Rules, for all the employees working in Educational Institutions, the age of superannuation is 58 years, but not 60 years. Since the same rules are being applicable to respondent No.2 -Educational Society, the petitioner has to retire from service on attaining the age of 58 years. As per the order of the learned single Judge in WP No.13875 of 1994 the petitioner was reinstated and he retired from service beyond 60 years, but the interregnum period will not be counted for pensionary benefits. Hence, the petitioner is not entitled for pensionary benefits for the said two years.

6. After hearing the arguments, this court finds force in the contention raised by learned standing counsel for respondents in respect of age of superannuation for the employees governed by A.P.Educational Rules. But for the reason that the petitioner reinstated and continued to work beyond 60 years, it does not mean that he is entitled for pensionary benefits for the said period beyond 58 years.

7. In view of the above discussion, there are no merits in the writ petition. However, if at all the petitioner is having any grievance against the respondents, it is always open for the petitioner to make a representation to the respondents within a period of one (01) week from the date of receipt of the copy of the order and upon receipt of the same, it is for the respondents to consider the same and pass appropriate orders within a period of four (04) weeks thereafter.

8. With the above directions, the writ petition is disposed of.
No costs.

9. Miscellaneous Petitions, if any, pending in this writ Petition shall stand closed.



ABHINAND KUMAR SHAVILI, J

26th September, 2018
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