

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.2413 of 2004

ORDER:

This writ petition is filed seeking to declare the proceedings dated 01.11.2002 of the 2nd respondent in retiring the petitioner treating the petitioner's age of superannuation as 58 years, as illegal, arbitrary and violative of Rules and consequently direct the respondents to continue the petitioner's services upto 60 years i.e. 14.07.2004 being the last grade servant and further direct the respondents to pay the salary with effect from 01.04.2003 to till the re-appointment with all consequential benefits.

Heard Sri T.V.S.Kumar, learned counsel for petitioner and the learned Government Pleader for Co-operation.

It has been contended by the petitioner that he was initially appointed as Attender in the office of 2nd respondent during the year 1980 and his services were also regularized with effect from 10.02.1981. The petitioner further submits that the post held by the petitioner is last grade service and is entitled to be continued upto the age of 60 years, but the grievance of the petitioner is that vide proceedings dated 01.11.2002, respondents have retired him at the age of 58 years instead of continuing him upto 60 years. Challenging the same, the present writ petition is filed.

The learned Government Pleader submits that the petitioner is not retired on attaining the age of 58 years, but he was not continued consequent upon restructuring of the staffing pattern in terms of Section

116(c) of the A.P.Co-operative Societies Act. Therefore, there are no merits in the writ petition and the same is liable to be dismissed.

This Court, having considered the rival submissions of the parties, is of the considered view that the petitioner was not retired at the age of 58 years, but his services were discontinued consequent upon restructuring of staffing pattern by the respondents in terms of Section 116(c) of the A.P.Co-operative Societies Act. Therefore, there are no merits in the writ petition and the same is liable to be dismissed.

The writ petition is accordingly dismissed. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

10th December 2018

ajr

ABHINAND KUMAR SHAVILI, J

