

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION NO.14478 OF 2018

ORDER

(Per Hon'ble Sri Justice Sanjay Kumar)

The prayer of the petitioner in this case reads as under:

'For the reasons stated in the affidavit, the petitioner herein prays that this Hon'ble Court may be pleased to issue an appropriate Writ, Order or Direction, particularly one in the nature of Writ of Mandamus, declare the action of the 1st respondent in not considering the common proposals submitted by the 3rd respondent vide Lr. No. Estt. AMC (1) 29/201, dated 23-8-2014 in extending the age of superannuation upto 60 years to the employees of Central Market Fund Service while issuing the Final Notification vide G.O.Ms. No. 68, Agriculture and Cooperation (AM.II) Department, dated 8-12-2015 by extending the age of superannuation upto 60 years in favour of the employees of Agricultural Market Committee service is arbitrary, discriminatory and violative of Articles 14 and 16 of the Constitution of India and accordingly set aside the final orders dated 12-4-2018 made in OA No. 679 of 2018 passed by the Honble A.P. Administrative Tribunal, Hyderabad and consequently direct the 1st respondent to consider the common proposals of the 3rd respondent dated 23-8-2014 by extending the age of superannuation upto 60 years of age to the employees of Central Market Fund Service on par with the employees of Agricultural Market Committee Service by passing suitable orders and till then continue the Petitioner in service upto completion of 60 years of his age with all consequential benefits and to pass such other and further orders as this Hon'ble Court deems fit and proper in the circumstances of the case.'

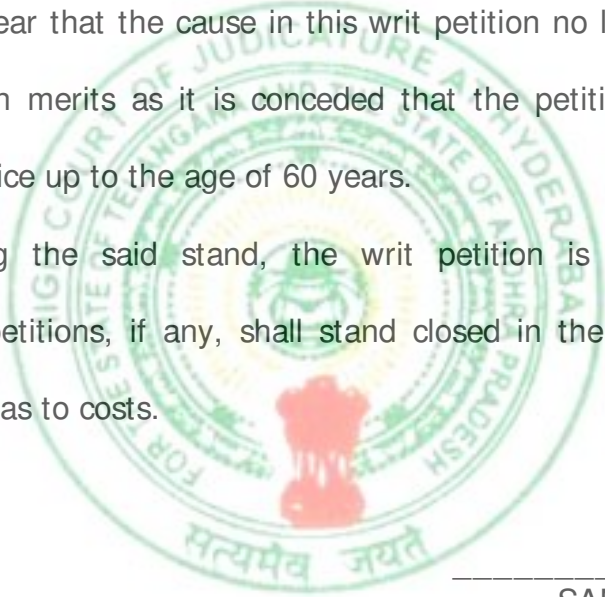
By interim order dated 01.05.2018, this Court directed the respondents to continue the petitioner in service until further orders or till he attains the age of 60 years, whichever is earlier.

While so, the Special Commissioner and Director of Agricultural Marketing, Government of Andhra Pradesh, Guntur, filed a counter-affidavit, wherein he stated as follows:

'8. It is submitted that the petitioner in this W.P. is continuing in Service beyond 58 years and until the age of 60 years in view of the final orders of APAT in O.A.1039 / 18 and batch Dt.09.07.2018 and also in view of the orders of the Supreme Court of India Dt.05.05.2017 in Special Leave to Appeal (C) Nos.14033-14034 of 2017 and orders in SLP(C) 13623/2017. The petitioner in this W.P.is eligible to continue up to the age of 60 years.'

In the light of the aforestated stand of the Government of Andhra Pradesh, it is clear that the cause in this writ petition no longer survives for consideration on merits as it is conceded that the petitioner is eligible to continue in service up to the age of 60 years.

Recording the said stand, the writ petition is allowed. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.



SANJAY KUMAR, J

M. GANGA RAO, J

14th NOVEMBER, 2018

Sv