

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.24977 OF 2018

Dated:07.09.2018

Between:

Smt. T. Nagendramma,
W/o. Sri T. Pulla Rao,
Aged 58 years, Occ: Unskilled
Worker, R/o. Nallapadu,
Guntur – I, Andhra Pradesh

.. Petitioner

And

Andhra Pradesh State Beverage
Corporation Limited, rep., by its
Managing Director, Vijayawada,
Andhra Pradesh and another

.. Respondents



The Court made the following:

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ORDER:

Heard learned counsel for the petitioner and learned Standing Counsel for the respondent – Beverages Corporation. With the consent of both the learned counsel, the Writ Petition is disposed of at the stage of admission.

2. Petitioner was working as unskilled worker (sweeper) since the year 1989. By notice, dated 04.06.2018, petitioner was informed that as per the date of birth available with the respondent – Beverages Corporation, she is attaining the superannuation age of 58 years on 21.07.2018 and would retire from the service on that date. The said notice is under challenge in this Writ Petition.

3. Learned counsel for the petitioner submits that all Group 'C' employees are entitled to continue until they attain the age of 60 years. Petitioner belongs to the unskilled 'C' category and therefore, she is also entitled to continue until she attains the age of 60 years. However, illegally she is sought to be retired from service on 21.07.2018. He further submits that in pursuance of the provisions of the Andhra Pradesh Public Employment (Regulation of Age of Superannuation) (Amendment) Act, 2014, the Government now amended Act No.4 of 2014 enhancing the age of superannuation to all the Government servants to 60 years and the same benefit may be extended to the petitioner also and if the same benefit is not extended to the petitioner, she would be put to irreparable loss.

4. According to learned Standing Counsel for the respondent – Beverages Corporation, petitioner is a casual and unskilled worker and all unskilled workers attain the age of superannuation on the

day when they attain 58 years and the age of superannuation of 60 years is available only to Group 'C' regular employees. He also submits that enhancement of superannuation age from 58 years to 60 years is rejected by the Government vide Memo dated 22.03.2018. Since petitioner is only an unskilled casual worker, she cannot claim benefit with reference to superannuation on par with regular employees.

5. Though learned counsel for the petitioner sought to contend that others, who are similar to the petitioner, are being continued, no material is placed on record. Therefore, the said contention cannot be accepted.

6. Apparently, petitioner is only a casual employee, whereas the Rules and Regulations govern the regular employees and their age of superannuation. Thus, the stand of the respondents cannot be faulted. Hence, I do not see any error in the decision of the respondents in proposing to retire the petitioner from service on attaining the age of 58 years. The Writ Petition merits no consideration.

7. The Writ Petition is accordingly dismissed. However, it is open to the petitioner to work out her remedies as available in law, if respondent – Beverages Corporation enhances the age of superannuation of unskilled casual employees and if relief of continuation upto 60 years is granted to other similarly situated employees. Pending Miscellaneous Petitions, if any, shall stand closed.

P. NAVEEN RAO, J

Date:07.09.2018

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