

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.13836 OF 2007

ORDER:

1. This writ petition is filed seeking to issue a writ of Mandamus declaring the letter dated 24.4.2007 issued by the 3rd respondent-Corporation as arbitrary and illegal, and to direct the respondents to continue the petitioner till he attains the age of 60 years.

2. Heard Sri D. Linga Rao, learned Counsel for the petitioner and Sri L. Prabhakar Reddy, learned Standing Counsel for the respondents.

3. It has been submitted by the petitioner that he was initially appointed as a messenger-cum-Roneo Operator in the respondent-Corporation and he is the last grade employee of the respondents and therefore, he is entitled to be continued upto the age of 60 years, and when the respondents were about to retire the petitioner at the age of 58 years, he submitted a representation to continue him, but the same was rejected and challenging the same, he filed W.P.No.2988 of 2006 before this Court and this Court vide order dated 26.4.2006 dismissed the said writ petition, and thereafter the petitioner filed WA No.31 of 2007 and in the said appeal, he sought for interim direction to direct the 2nd respondent therein

to continue the petitioner by placing his name before the Board for considering his case, fitness and experience pending WA No.31 of 2007, and the Hon'ble Division Bench of this Court was pleased to grant interim direction as prayed for. Further, it has been submitted that in pursuance of the interim direction issued by the Hon'ble Division Bench, the respondents placed the name of the petitioner before the Board, but Board rejected the request of the petitioner vide proceedings dated 24.4.2007, and finally, WA No.31 of 2007 was dismissed as infructuous vide order dated 9.2.2015.

4. It has been contended by the learned Counsel for the petitioner that the last grade employees are entitled to be continued in service till attaining the age of 60 years and the respondents have not enhanced the age of superannuation in respect of last grade employees.

5. The learned Standing Counsel for the respondents contended that when the petitioner was in service, the request made by the petitioner was considered and rejected by the Board vide resolution dated 30.3.2007 and subsequently, the Board considered the issue and enhanced the age of retirement of the last grade employees to 60 years vide resolution dated 10.6.2010 with effect from 1.4.2010.

6. This Court having considered the submissions made by the parties is of the view that the petitioner can make a representation to the respondents to extend the similar benefit as it was done in pursuance of resolution dated 10.6.2010.

7. Accordingly, the petitioner is directed to make a representation to the respondents to extend the similar benefit as it was done in pursuance of resolution dated 10.6.2010. On such representation being made, the respondents shall consider the same and pass appropriate orders within a period of four weeks from the date of receipt of such representation. If the respondents come to a conclusion that the petitioner is entitled to the benefits under resolution dated 10.6.2010, notional benefits shall be extended to him with all consequential benefits.

8. With the above direction, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Dated: 8th October, 2018
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