

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

**THE HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
THE HON'BLE MS.JUSTICE J. UMA DEVI**

WRIT PETITION No.32254 of 2018

Date:10.09.2018

Between:

Sri K. Kameswara Rao S/o. late Bangarayya
I-Special Metropolitan Magistrate/Special Judicial
II Class Magistrate, Visakhapatnam and others.

... Petitioners

v.

Government of Andhra Pradesh,
Rep.by its Secretary Law (LA & J) Home Courts (C) Department,
A.P. Secretaria, Hyderabad and others.

... Respondents

For Petitioner : Sri N. Ravi Prasad

For Respondents : G.P. for Law & Legislative (AP)

Gist :

Head Note :

Cases Referred :

C/15

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE MS.JUSTICE J. UMA DEVI

WRIT PETITION No.32254 OF 2018

ORDER: *(per V. Ramasubramanian, J)*

The petitioners, who retired from judicial service long time ago, were appointed as Special Judicial Magistrates/Special Metropolitan Magistrates, on contractual basis. They made representations for allowing them to continue up to the age of 70 years, but the same was rejected by the Registry forcing them to come up with the writ petition.

2. Heard Mr. N. Ravi Prasad, learned counsel for the petitioners and the learned Government Pleader for Law & Legislative (AP).

3. Admittedly, the Government of India sanctioned the appointment of retired judicial officers, as Special Magistrates, on consolidated pay basis. The petitioners, who retired from service as judicial officers were appointed to these posts.

4. Petitioners wanted their appointments to continue till they completed 70 years of age. But, the said representations were rejected by the Registry forcing them to come up with the above writ petition.

5. Admittedly, the appointment was only on re-employment terms, as stipulated in G.O.Ms.No.47 dated 31.03.2011. The appointment is not to any cadre post. What is paid to these persons is only honorarium. Therefore, no right is conferred upon the petitioners to seek to continue in service up to the age of 70 years. As a matter of

fact, the High Court issued a set of Rules specifying the qualifications and experience to be possessed by a person to confer powers as Special Judicial Magistrate. These Rules were issued in exercise of powers conferred by Section 13 and 18 of the Code of Criminal Procedure, 1973. These Rules stipulate that, to be eligible for appointment, a person should have at least one year to complete 65 years of age, in the year of recruitment. Therefore, no vested right is created in these petitioners for their continuance up to the age of 70 years. Hence, we find no reason to entertain the writ petition and it is dismissed.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed. No order as to costs.

V. RAMASUBRAMANIAN, J

J. UMA DEVI, J

September 10, 2018

KTL