

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

Writ Petition No.39595 of 2018

ORDER:

This writ petition is filed seeking a writ of mandamus by calling for the records relating to the proceedings issued by the 5th respondent dated 31.07.2015 and to set side the same by declaring them as illegal, arbitrary and unconstitutional and also against the A.P. Public Employment (Regulation of age of superannuation) Act, 1984 and sought for a consequential direction to the respondents to fix the pensionary benefits of the petitioner treating his date of retirement as 31.07.2017 by conferring all consequential benefits.

Heard Sri S.Gopal Rao, learned counsel for the petitioner, and learned Government Pleader for Services-II.

It has been contended by the petitioner that he was initially appointed as an Attender in the Gram Panchayat on 02.08.1981. Subsequently, his services were regularised in the cadre of Attender (Class-IV) with effect from 10.12.1986 and probation was declared with effect from 10.12.1988. While the petitioner was working as an Attender, the respondents have deployed him to work as a Panchayat Secretary vide proceedings dated 16.07.2002. The grievance of the petitioner is that as he is a Last Grade employee, he is entitled to continue in service upto the age of 60 years i.e 31.07.2017 but the respondents have erroneously retired him from service on attaining the age of 58 years on 31.07.2015. It has been further contended that the petitioner has submitted a representation to the respondents on 05.03.2018 requesting them to grant pensionary benefits by duly taking the age of retirement as 60 years i.e upto 31.07.2017.

Learned counsel for the petitioner contends that, so far, the respondents have not passed any orders on the representation submitted by the petitioner on 05.03.2018.

Learned Government Pleader for Services-II contends that though the petitioner was initially appointed as an Attender, he was deployed to work as a Panchayat Secretary. Learned counsel further contends that the post of Panchayat Secretary is governed by the A.P.Panchayat Raj Subordinate Service Rules which prescribe the age of retirement as 58 years and the respondents have not committed any irregularity in retiring the petitioner at the age of 58 years. He also contends that there are no merits in the writ petition and it is liable to be set aside.

This Court, having considered the rival submissions of the parties, is of the view that the writ petition can be disposed of directing the respondents to consider the representation of the petitioner dated 05.03.2018 and **pass** appropriate orders within eight weeks from the date of receipt of a copy of this order.

With these observations, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions pending, if any, shall stand closed.

(ABHINAND KUMAR SHAVILI, J)

02nd November, 2018
JSU

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Date: 02.11.2018

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