

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

+ Writ Petition No.40719 of 2016

% Date: 06-9-2018

G.Karunakaran S/o Late Guravaiah, Aged 67 years,
Occ: Retd. Head Clerk (on contract basis),
VI Addl. District Court (FTC), Tirupati,
R/o D.No.27-119, Kamaraj Nagar, Puttur,
Chittoor District-517 583

... Petitioner

Vs.

\$ 1. The Principal District Judge,
District Court Compound, Chittoor

2. The VI Addl. District Court (FTC), Tirupati

... Respondents

! Counsel for Petitioner: Mr. Nagaraju Naguru

Counsel for Respondents 1&2: Mr. Swaroop Oorilla,
Standing Counsel for High Court

< Gist:

> Head Note:

? Cases referred:
Nil.

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE Ms. JUSTICE J.UMA DEVI

Writ Petition No.40719 of 2016

Order: (per V.Ramasubramanian, J.)

The petitioner who was re-employed for a period of one year after superannuation, but whose re-employment terms came to an end on 31-8-2015, has come up with the above writ petition seeking a *mandamus* to direct the respondents to continue him on re-employment till he completes the age of 69 years.

2. Heard Mr. Nagaraju Naguru, learned counsel for the petitioner and Mr. Swaroop Oorilla, learned Standing Counsel for the Registry.

3. There is no controversy about the following facts:

(i) That the petitioner retired on reaching the age of superannuation, on 31-8-2008;

(ii) That after 6 years of his retirement, the petitioner was re-employed, by the proceedings dated 30-4-2014, for a period of one year ending on 31-3-2015;

(iii) But the petitioner was continued beyond 31-3-2015. He could have actually continued further, but for the fact that he gave a letter dated 22-7-2015 seeking to retire;

(iv) Acceding to his request dated 22-7-2015, the Principal District Judge terminated his contract of re-employment by the proceedings dated 28-7-2015 with effect from 31-8-2015;

(v) Thereafter, another person by name Mr. Sheik Ahamad Basha was appointed in his place, with effect from 03-10-2015. His contract of employment expired on 31-3-2016, but continued up to 31-8-2016;

(vi) After the expiry of the term of contract of the said Sheik Ahamad Basha, the Principal District Judge issued a Notification for fresh re-employment, on 20-10-2016;

(vii) Challenging the Notification dated 20-10-2016 and seeking a direction to continue him in service till the completion of 69 years, the petitioner has come up with the above writ petition.

4. Reliance is placed by the learned counsel for the petitioner upon a decision of another Bench of this Court in W.P.No.15923 of 2014, dated 14-7-2016, in support of his contention that as per the guidelines issued by the Registry, candidates re-employed are entitled to continue until they complete the age of 69 years. Therefore, it is contended that the respondents are obliged to continue the services of the petitioner until 69 years.

5. But we do not think that the petitioner can draw inspiration from the said judgment. This is a case where the petitioner reached superannuation in 2008 and was re-employed for a period of one year from May, 2014 till March, 2015. He was continued beyond March, 2015, but the same was disrupted by his own request dated 22-7-2015 to send him out. Accordingly, he was sent out with effect from

31-8-2015. In his place, another person was appointed and upon the termination of the contract of that other person, that a new Notification was issued. Hence, the petitioner can have no grievance against the impugned Notification and cannot, at any rate, claim to continue in service up to 69 years when he himself opted to go out. Hence, the writ petition is devoid of merits. Therefore, it is dismissed. Pending applications, if any, shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

J.UMA DEVI, J.

06th September, 2018.
Ak



HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE Ms. JUSTICE J.UMA DEVI

Writ Petition No.40719 of 2016
(per VRS, J.)



06th September, 2018.
(Ak)