

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.44436 OF 2018

ORDER:

1. This writ petition is filed seeking to issue a writ of Mandamus declaring the action of the respondents in not implementing the orders dated 7.9.2010 passed by this Court in W.P.No.3166 of 2003 as illegal and arbitrary, and consequently, to direct the respondents to forthwith extend the monetary benefits in terms of the order dated 7.9.2010 in W.P.No.3166 of 2003 with 24% interest.

2. Heard Sri Aka Venkataramana, learned Counsel for the petitioner and Sri V. Ramachandra Goud, learned Standing Counsel for the respondents.

3. It is the case of the petitioner that he was initially appointed as workshop instructor (Senior Instructor) with effect from 12.9.1966 in the Government Nagarjunasagar Engineering College, Hyderabad when it was under the control of Department of Technical Education, Government of Andhra Pradesh. Subsequently, the Government of Andhra Pradesh established a separate University called as Jawaharlal Nehru Technological University-1st respondent under Act 16 of 1972. The 1st respondent-University has come into existence with effect from 2.10.1972. The services of the petitioner stood transferred to the 1st respondent-university. Since the petitioner

was earlier appointed under the control of Department of Technical Education, which was the Government Department, the employees of the said department, who were allotted to the 1st respondent-University on its establishment, are entitled to be continued upto the age of 60 years. Without appreciating that particular aspect, the respondents have retired the petitioner at the age of 58 years with effect from 28.2.2003. The petitioner challenged the action of the respondents in not allowing him to continue upto the age of 60 years by filing W.P.No.3166 of 2003. This Court allowed the said W.P. vide order dated 7.9.2010 following the judgment of the Hon'ble Division Bench of this Court in W.A.No.2226 of 2004, dated 4.8.2010. Thereafter, the petitioner filed series of representations dated 30.11.2010 and 28.2.2014 requesting the respondents to extend the consequential benefits in pursuance of the orders passed in W.P.No.3166 of 2003 dated 7.9.2010. But the respondents have not passed any orders nor paid service benefits to the petitioner, by duly taking into account the age of retirement as 60 years. Challenging the action of the respondents in not passing any consequential orders in pursuance of the orders passed by this Court in W.P.No.3166 of 2003, dated 7.9.2010, the present writ petition is filed.

4. The learned Standing Counsel for the respondents contended that appropriate orders will be passed on the

representation submitted by the petitioner in accordance with law.

5. This Court having considered the rival submissions is of the view that this writ petition can be disposed of directing the respondents to consider the representation of the petitioner dated 28.2.2014 and pass appropriate orders.

6. Accordingly, the Writ Petition is disposed of directing the respondents to consider the representation of the petitioner dated 28.2.2014 and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.



JUSTICE ABHINAND KUMAR SHAVILI

Dated: 6th December, 2018.
Nn.

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 44436 OF 2018



6/12 /2018

Nn.