

**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)**

FRIDAY, THE THIRTIETH DAY OF JULY,
TWO THOUSAND AND TWENTY ONE

:PRESENT:

THE HONOURABLE SRI JUSTICE D.V.S.S.SOMAYAJULU

WRIT PETITION NO: 8900 OF 2021



Between:

D.Subramanyam, S/o. Raghava Raju, Age 58 years, Occ: Chief Executive Officer, The Kosalanagaram Primary Agriculture Cooperative Society Ltd.S.579 Vijayapuram, Vijayapuram Mandal, Chittoor District.

...Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary to Government, Agriculture & Cooperation Department, Andhra Pradesh Secretariat, Velagapudi, Amaravathi, Guntur District, Andhra Pradesh.
2. The Commissioner for Cooperation & Registrar of Cooperative Societies, Government of Andhra Pradesh, Vijayawada, Krishna District.
3. The District Cooperative Officer, Chittoor, Chittoor District.
4. The Divisional Cooperative Officer, Chittoor, Chittoor District.
5. The Kosalanagaram Primary Agriculture Cooperative Society, Ltd.S.579 Vijayapuram, Vijayapuram Mandal, Chittoor District. Rep by President/Person In-charge committee.

...Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate writ, Order or Direction more particularly one in the nature of writ of mandamus to declare the action of the 5th respondent in not extending the age of retirement from 58 years to 60 years as the petitioner is due to retire on 30-04-2021 as per the provisions of section 115-D (2)(iv) of the APCS Act and also as per Government Memo no. 5825 / Coop.III 2014-7 dated 23.05.2015 and G.O.Ms.No.15 dated 04.02.2019, G.O.Ms.No.36 dated 01.03.2019 and as per the resolution dated 19-08-2020 of the Managing Committee and Resolution dated 30-09-2020 of the General Body of the 5th respondent Society as illegal, arbitrary, violative of Article 14 of the Constitution of India and consequently direct the respondents to rise the age of superannuation from 58 year to 60 years to the petitioner as per the provisions of section 115-D (2)(iv) of the APCS Act and also as per Government Memo no. 5825/Coop.III 2014-7 dated 23.05.2015 and G.O.Ms.No.15 dated 04.02.2019 and G.O.Ms.No.36 dated 01.03.2019 and as per the resolution dated 19-08-2020 of the Managing Committee and Resolution dated 30-09-2020 of the General Body of the 5th respondent Society and continue the petitioner till the petitioner attain the age of 60 years in the 5th respondent society and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

IA NO: 1 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the 5th respondent society to continue the service of the petitioner by raising the age of retirement of the petitioner from 58 years to 60 years as the petitioner is due to retire on 30-04-2021 duly taking into Consideration the G.O.Ms.No.15 Agriculture and Cooperation (Coop-III) Department dated 04-02-2019 and G.O.Ms.No.36 dated 01.03.2019 and as per the resolution dated 19-08-2020 of the Managing Committee and Resolution dated 30-09-2020 of the General Body of the 5th respondent Society, pending disposal of WP No. 8900 of 2021, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and the order of the High Court dated 28.04.2021 and of 01-07-2021 made herein and upon hearing the arguments of Sri L.V.S.Nagaraju Advocate for the Petitioner, and of GP for Cooperation for the Respondent Nos.1 to 4 the Court made the following.

ORDER:

Counters are not filed.

List on 27.09.2021.

Interim order granted earlier is extended till then.

//TRUE COPY//

U. SRIDEVI
ASSISTANT REGISTRAR

For / SECTION OFFICER

To,

1. One CC to Sri. L.V.S.Nagaraju, Advocate [OPUC]
2. Two CCs to GP for Cooperation, High Court of AP [OUT]
3. One spare copy

PR

HIGH COURT

DVSS J

DATED:30/07/2021

NOTE: LIST ON 27.09.2021

WP.No.8900 of 2021

INTERIM ORDER EXTENDED

