



IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI

(Special Original Jurisdiction)

MONDAY, THE TWENTY FOURTH DAY OF APRIL,
TWO THOUSAND AND TWENTY THREE

: PRESENT:

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 17704 OF 2022

Between:

Mr. S Satyanarayana, S/o (Late) Gopala Rao, Aged about 60 years, Occ. Assistant Grade -3(MLS Point) District Office . Machilipatnam, R/o D.No.6-159, Sidhartha Engineering College, Masjid Road, TadiGadapa, Vijayawada- 521137 Krishna District , Andhra Pradesh.

Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Chief Secretary, Civil Supplies Department, Secretariat, Amaravathi, A.P.
2. The Commissioner of Civil Supplies, Civil Supplies Department, Vijayawada, Krishna District, A.P.
3. The Chairman of Civil Supplies Corporation, Civil Supplies Department, A.P SCSCCLTD., Office. 10-152/1, Ashok Nagar, Bandar Road, Vijayawada, Krishna District.
4. The Vice Chairman and Managing Director, Civil Supplies Department, A.P SCSCCLTD., Office. 10-152/1, Ashok Nagar, Bandar Road, Vijayawada, Krishna District.
5. District Civil Supplies Manager, APSCSCL, Krishna District, Andhra Pradesh.

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 a writ order or direction more particularly one in the nature of writ of Mandamus by declaring the action of the respondents in issuing the proceedings vide No.P.Admn/MLS Point Gannavaram/2022 dtd. 31.05.2022 whereby where under petitioner was asked to retire from service on the afternoon of 31-05-2022 on attaining the superannuation age of 60 years as wholly illegal, arbitrary and in violation of Principles of natural justice and contrary to G.O.Ms.No.15 dated 31-01-2022 and board's decision on 28-03-2022 and also violation of Articles 14, 16 and 21 of the Constitution of India and contrary to Hon'ble court order WP/ 15354/2022 and consequently to set aside the vide No.P.Admn/MLS Point Gannavaram/2022 dtd. 31.05.2022 by directing the respondents to reinstate the petitioner in to the service and to continue the petitioners till attaining the age of 62 years in the interest of justice.

IA NO: 2 OF 2022

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the proceedings vide No.P.Admin/MLS Point Gannavaram/2022, dtd.31.05.2022, in the interest of justice, pending disposal of WP 17704 of 2022, 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 29.06.2022 made herein and upon hearing the arguments of Sri Balaiah B, Advocate for the Petitioner, GP for Civil Supplies for Respondent No.1 & 2, Sri P.Hemachandra, Standing Counsel for Respondent No. 3 & 4, directed issue of notice to the Respondents herein to show cause as to why this WRIT PETITION should not be admitted.

ORDER:

Heard learned counsel for the petitioner and learned counsel for the respondents.

Learned counsel for the petitioner submits that, in similar circumstances, by an order dated 02.01.2023 in W.P.No.32283 of 2022, this Court granted interim order, which reads as follows:

“In this view of the matter, this Court deems it appropriate that similar order may be passed. There shall be an interim suspension of the impugned Circular Memo No.1813129/FIN01-HR/212/2022-HR-IV dated 23.09.2022 issued by the 1st respondent and the Memo No.1142/SC/2022 dated 26.07.2022 issued by the 2nd respondent and Lr.No.73/ARS/GSL/2022 dated 27.07.2022 issued by the 3rd respondent and the respondents are further directed to reinstate and continue the service of the petitioner till he attains the age of superannuation i.e., 62 years without any break and with all consequential attendant benefits including regular pay and allowances.”

In view of the above, this Court deems it appropriate to extend the similar benefit to the petitioner herein also.

Accordingly, there shall be interim suspension of the impugned proceedings vide P.Admin./MLS Point Gannavaram/2022 dated 31.05.2022 issued by the 5th respondent.

The respondents are further directed to continue the petitioner in service till he attains the age of superannuation of 62 years without any break and with all consequential benefits including regular pay and allowances.

SD/- A.VIJAYA BABU
ASSISTANT REGISTRAR

//TRUE COPY//

For

SECTION OFFICER

To,

1. The Chief Secretary, Civil Supplies Department, Secretariat, State of Andhra Pradesh, Amaravathi, A.P.
2. The Commissioner of Civil Supplies, Civil Supplies Department, Vijayawada, Krishna District, A.P.
3. The Chairman of Civil Supplies Corporation, Civil Supplies Department, A.P SCSCCLTD., Office.10-152/1, Ashok Nagar, Bandar Road, Vijayawada, Krishna District.
4. The Vice Chairman and Managing Director, Civil Supplies Department, A.P SCSCCLTD., Office.10-152/1, Ashok Nagar, Bandar Road, Vijayawada, Krishna District.
5. The District Civil Supplies Manager, APSCSCL, Krishna District, Andhra Pradesh. (1 to 5 by RPAD)
6. One CC to Sri Balaiah B, Advocate [OPUC]
7. Two CCs to GP for Civil Supplies, High Court of Andhra Pradesh.[OUT]
8. One CC to Sri P.Hema Chandra, Standing Counsel [OPUC]
9. One spare copy

SRL

HIGH COURT

NVJ

DATED:24.04.2023

ORDER

WP.No.17704 of 2022

INTERIM SUSPENSION

