

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

TUESDAY, THE FIRST DAY OF AUGUST
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SMT JUSTICE V.SUJATHA
WRIT PETITION NO: 19271 OF 2023



Between:

V.Sreedhar, S/o Venkateswara Rao Aged about 59 years, Currently working as Assistant University Engineer, Dr. YSR University of Health Sciences, R/o 101, San Orchid Apartments, Central Excise Colony, Near Andhra Loyola College, Vijayawada-520008.

Petitioner

AND

1. State of Andhra Pradesh, Represented by its Principal Secretary, Health, Medical and Family Welfare Department, Secretariat Buildings, Velagapudi, Amaravati, Guntur District.
2. The Vice Chancellor, Dr.YSR University of Health Sciences, Vijayawada, Andhra Pradesh
3. Dr. YSR University of Health Sciences, Vijayawada, Andhra Pradesh Rep by its Registrar.
4. State of Andhra Pradesh, Represented by its Principal Secretary, Finance Department (HR.IV-FR and LR), Secretariat Buildings, Velagapudi, Amaravati, Guntur District.

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 or order or direction more particularly in the nature of Writ of Mandamus declaring the action of the Respondents, more particularly the 2nd and 3rd Respondents in issuing proceedings in File No.18225/MII/2023 dated 31.07.2023 relieving the Petitioner from his duties on 31.07.2023 on attaining the age of superannuation i.e., 60 years, as being illegal, arbitrary, in excess of jurisdiction and in violation of Andhra Pradesh Public Employment (Regulation of Age of Superannuation)(Amendment) Act, 2022 (Act 4 of 2022) and also in violation of Articles 14,16 of the Constitution of India, and in violation of interim orders of this Hon'ble Court in WP.No.18225 of 2023 dated 24.07.2023 and Consequently set aside the impugned proceedings dated 31.07.2023 issued by the 2nd and 3rd Respondents .

IA NO: 1 OF 2023

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 3rd Respondent University herein to continue the Petitioner in his current post and position with the designated pay scale, Pending disposal of WP 19271 of 2023, on the file of the High Court.

IN NO. 201 2023

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 suspend the proceedings in File No. 18225/MI1/2023 dated 31.07.2023 issued by the 2nd and 3rd Respondents, Pending disposal of WP 19271 of 2023, 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 upon hearing the arguments of Sri N ASHWANI KUMAR Advocate for the Petitioner and of GP FOR MEDICAL HEALTH AND FAMILY WELFARE for Respondent No.1, Sri G VIJAY KUMAR, Standing Counsel for Respondent Nos. 2 and 3, GP FOR FINANCE for Respondent No.4 and the Court made the following

ORDER

"This Court has passed an interim order on 24.07.2023 in W.P.No.18225 of 2023, wherein the respondents were directed to continue the services of the petitioner till he attains the age of superannuation of 62 years. But, in spite of receiving the same, the Vice Chancellor i.e., the 2nd respondent has passed the impugned proceedings dated 31.07.2023 relieving the petitioner from his duties on 31.07.2023 afternoon on attaining the age of superannuation i.e., 60 years subject to the result of the pending writ petition i.e., W.P.No.18225 of 2023 filed before this Court.

The learned Standing Counsel Mr. Vijay Kumar has informed this Court that they have already filed a vacate stay in W.P.No.18225 of 2023 and further submitted that in view of the orders passed by the Hon'ble Division Bench of this Court, the said writ petition is to be dismissed and as such, the present impugned proceedings are issued on 31.07.2023 to the petitioner. However, he further stated that, the said impugned proceedings are subject to the result of the pending writ petition i.e., W.P.No.18225 of 2023.

However, in spite of there being an interim order dated 24.07.2023 wherein the respondents are directed to continue the petitioner till he attains the age of superannuation of 62 years, the issuance of the present impugned proceedings is admittedly in violation of the orders passed by this Court and is a clear case of contempt of Court.

In view of the same, the proceedings dated 31.07.2023 are suspended.

Sd/- SK, MD. RAFI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

For

1. The Principal Secretary, State of Andhra Pradesh, Health, Medical and Family Welfare Department, Secretariat Buildings, Velagapudi, Amaravati, Guntur District.
2. The Vice Chancellor, Dr.YSR University of Health Sciences, Vijayawada, Andhra Pradesh.
3. The Registrar, Dr. YSR University of Health Sciences, Vijayawada, Andhra Pradesh.
4. The Principal Secretary, State of Andhra Pradesh, Finance Department (HR.IV-FR and LR), Secretariat Buildings, Velagapudi, Amaravati, Guntur District. (Addressess 1 to 4 by RPAD)
5. One CC to SRI. N ASHWANI KUMAR Advocate [OPUC]
6. One CC to SRI. G VIJAY KUMA, Standing Counsel [OPUC]
7. Two CCs to GP FOR FINANCE, High Court Of Andhra Pradesh. [OUT]
8. Two CCs to GP FOR MEDICAL HEALTH AND FAMILY WELFARE, High Court Of Andhra Pradesh. [OUT]
9. One spare copy.

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HIGH COURT

VSJ

DATED:01/08/2023

POST ALONG WITH WP No. 18225 of 2023

ORDER

WP.No.19271 of 2023

INTERIM SUSPENSION

