

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

THURSDAY, THE FIRST DAY OF MAY

TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE SRI JUSTICE B KRISHNA MOHAN

AND

THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA

WRIT APPEAL NO: 330 OF 2025

(Writ Appeal under clause 15 of the Letters Patent is filed being aggrieved by the Order dated 23.12.2022 passed in W.P.No.12923 of 2016)

Between:

1. The Managing Director, A.P. Dairy Development Co-Operative Federation Ltd., APIIC Towers, Mangalagiri, Guntur District, Andhra Pradesh.
2. The State of Andhra Pradesh, Rep. by its Principal Secretary, Animal Husbandry, Dairy Development and Fisheries Department, Velagapudi, Amaravati, Guntur District, Andhra Pradesh.

...Appellants/Respondents

AND

1. M. Seenappa, S/o.Sonapa, Aged about 54 years, R/o.Cheelampalli Village, Baireddy Palli Mandal, Chittoor District.
2. S.Ameerjan, S/o.Late G.AbdulKadar, Aged about 63 years, R/o.Bapuji Street, V.Kota (PO) and Mandal, Chittoor District.
3. C.M.Sreedhar, S/o.C.P.Munaswamy Reddy, Aged about 53 years. Dairy Staff Quarters, Vijaya Govt., Dairy, Khajipet, V.Kota PO and (M), Chittoor District.
4. P.N.Madhava Chetty, S/o.P.Narayan Swamy Chitty, Aged about 49 years, A.Venkata Puram Village, Vepanjevi (PO), Gangadhara Nellore Mandal, Chittoor District.

5. Shammunnisa, W/o. Late S.Ameerjan, Aged about 75 years
R/o.D.No.4-133, Bapuji Street, V.Kota Town, Chittoor District.

...Respondents/ Writ Petitioners

6. The Chittoor District Cooperative Milk Producers, Union Ltd., Rep by the
Person-in-Charge and District Collector and Magistrate, Chittoor,
Andhra Pradesh.

...Respondents/Respondents

**(Respondent No. 6 is a proforma party and no relief is sought
against the 6th Respondent)**

IA No. 3 OF 2025

Petition under Section 151 of 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 operation of the orders of the Learned
Single Judge passed in W.P.No.12923 of 2016, dated 23.12.2022, Pending
disposal of WA No. 330 of 2025, on the file of the High Court.

The Appeal coming on for hearing, upon perusing the Petition and the
affidavit filed in support thereof and upon hearing the arguments of SPECIAL
GOVERNMENT PLEADER II, for the Appellants, and of SRI M.G.
RAMAMURTHY REDDY, Advocate for the Respondent Nos.1 to 5, the Court
made the following

ORDER:

Heard the learned counsel for the appellants and the learned
counsel for the respondent Nos.1 to 5 seeks time to argue the main
appeal itself by filing necessary counter affidavit.

This writ appeal is preferred against the order passed by the
learned Single Judge in I.A.No.2 of 2024 in Writ Petition No.12923 of
2016, dated 24.12.2024, wherein, the review application was dismissed.

The learned counsel for the appellants submits that initially the writ petition was disposed of by the learned Single Judge vide order, dated 23.12.2022, wherein, the learned Single Judge directed to pay the terminal benefits with interest @ 6% per annum. But, at para No.11 of the said order, it was recorded as 'writ petition is dismissed'. Since it was observed as dismissed, the appellants herein initially preferred W.A.No.986 of 2023 before the co-ordinate Bench of this Court and the same was disposed of vide order, dated 12.12.2023 directing the appellants to seek appropriate orders/clarifications from the learned Single Judge. Hence, they filed I.A.No.2 of 2024 in Writ Petition No.12923 of 2016, which was dismissed vide order, dated 24.12.2024.

The learned counsel for the appellants draw our attention to the relevant averments of the counter affidavit filed by them in Writ Petition No.12923 of 2016 to show that the respondents' services were regularised with affect from 20.04.1998. Ever since, they were treated as regular employees of Chittoor Milk Union and at any point of time, the respondents herein did not question the date of regularisation of services and they retired under voluntary retirement scheme on 31.08.2002. For the purpose of voluntary retirement scheme, the Government introduced G.O.Ms.No.16, Public Enterprise (PE.III) department, dated 22.03.2001 and invited options from the employees. Accordingly, the respondents herein availed the said opportunity and they retired from services under voluntary retirement scheme with effect from 31.08.2002 and they received the benefits out of the said scheme without any protest. After a lapse of 13 years from the date of their regularisation and receiving of voluntary retirement benefits without any protest, they resorted to file the above said writ petition seeking regularisation of their services with effect from the date of initial appointments as NMR's, in which, without going into the said issue whether they are entitled to regularise from the date of their original

appointment as NMR's, the learned Single Judge directed to pay the interest on the terminal benefits, as stated above.

The respondents did not question the order of the learned Single Judge on any other point. But, the main grievance of the appellants herein is that the respondents are not entitled for any relief as they have already availed the voluntary retirement scheme under the above said G.O. and as such they cannot either seek for retrospective regularisation or consequential benefits under any circumstances.

On the other hand, the learned counsel appearing for the respondent No.1 to 5 submits that the petitioners therein are entitled for regularisation of service and consequential terminal benefits by also adding the period of working as NMRs in the said organization.

For the purpose of consideration of the above said issue, these writ appeals are admitted and the orders of the learned Single Judge in both the writ appeals are stayed, pending further orders.

Admit.

Notice.

List on 26.06.2025.

Sd/- SK. MD. RAFI
As ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER
For ASSISTANT REGISTRAR

To,

1. M. Seenappa, S/o.Sonapa, Aged about 54 years, R/o.Cheelampalli Village, Baireddy Palli Mandal, Chittoor District.
2. S.Ameerjan, S/o.Late G.AbdulKadar, Aged about 63 years, R/o.Bapuji Street, V.Kota (PO) and Mandal, Chittoor District.
3. C.M.Sreedhar, S/o.C.P.Munaswamy Reddy, Aged about 53 years. Dairy Staff Quarters, Vijaya Govt., Dairy, Khajipet, V.Kota PO and (M), Chittoor District.

4. P.N.Madhava Chetty, S/o.P.Narayan Swamy Chitty, Aged about 49 years, A.Venkata Puram Village, Vepanjevi (PO), Gangadhara Nellore Mandal, Chittoor District.

5. Shammunnisa, W/o. Late S.Ameerjan, Aged about 75 years R/o.D.No.4-133, Bapuji Street, V.Kota Town, Chittoor District.

(Addressees 1 to 5 by RPAD)

6. Two CCs to SPECIAL GOVERNMENT PLEADER II, High Court of Andhra Pradesh [OUT]

7. One CC to SRI. M.G. RAMAMURTHY REDDY Advocate [OPUC]

8. Two spare copies

PSR

HIGH COURT

BKM,J
&
AHHS,J

DATED:01/05/2025

NOTE: LIST ON 26.06.2025.

ORDER

WA.No.330 of 2025

INTERIM STAY

