

[3460]

(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI
(SPECIAL ORIGINAL JURISDICTION)

FRIDAY, THE 7th DAY OF AUGUST 2026

:PRESENT:

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO: 22294 OF 2026



Between:

N. Kanaka Rao, S/o. Late Govinda Rao, Aged about 60 years, Working as CEO, Devarapally PACS, Devarapalli (M), Anakapalle Dist Andhra Pradesh

Petitioner

AND

1. The State of Andhra Pradesh, Rep by its, Principal Secretary, Co-Operation Department, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District. - 522239
2. The Devarapalli Primary, Agricultural Credit Co-operative Society, Rep by its Chief Executive Officer, Devarapalle, Devarapalle (M), Anakapalle Dist. -531133
3. The Devarapalli Primary, Agricultural Credit Co-operative Society, Rep by its EIC, Devarapalle, Devarapalle (M), Anakapalle Dist.- 531133
4. The Divisional Co-operative Society Office, Yelamanchali, District Co-operative office, Anakapalle. -531133
5. The District Co-operative Office, Anakapalle District. - 531133

Respondents

WHEREAS the Petitioner above named through his Advocate Smt. A. PADMA, presented this 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, particularly one in the nature of a Writ of Mandamus, declaring the inaction of the

Respondents in extending the benefit enhanced age of superannuation from 60 to 62 years, as illegal, arbitrary, unconstitutional and violative of G.O.Ms.No.15, Finance (HR-IV-FR & LR) Department, dated 31.01.2022 and Articles 14, 16 and 21 of the Constitution of India and contrary to the Andhra Pradesh Cooperative Societies Act, 1964, and consequently direct the Respondents to continue the petitioner in service up to the age of 62 years with continuity of service, without break in service, with all attendant benefits including salary, arrears, seniority, increments and all consequential service benefits;

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Smt. A. PADMA, Advocate for the Petitioner, directed issue of notice to the Respondent, learned GP FOR AGRICULTURE & COOPERATION for the Respondent Nos.1 to 5 herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. The Principal Secretary, Co-Operation Department, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District. – 522239, State of Andhra Pradesh
2. The Chief Executive Officer, Devarapalli Primary, Agricultural Credit Co-operative Society, Devarapalle, Devarapalle (M), Anakapalle Dist. - 531133
3. The EIC, Devarapalli Primary, Agricultural Credit Co-operative Society, Devarapalle, Devarapalle (M), Anakapalle Dist.- 531133
4. The Divisional Co-operative Society Office, Yelamanchali, District Co-Operative Office, Anakapalle. -531133
5. The District Co-operative Office, Anakapalle District. – 531133

are be and hereby directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition

and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted.

IA NO: 1 OF 2026

Petition under Section 151 CPC is filed praying that in the circumstances stated in the grounds filed in support of the petition, the High Court may be pleased to direct the respondents to continue the service of the petitioner by enhancing the age of superannuation from 60 to 62 years as per G.O.Ms.No.15, Finance (HR-IV- FR & LR) Department, dated 31.01.2022, G.O.Ms No. 36 dated 01.03.2019, pending disposal of WP No. 22294 of 2026, on the file of the High Court.

The Court made the following ORDER:

- 1. Notice before admission.**
- 2. Learned Government Pleader for Co-operation takes notice for Respondents.**
- 3. The present Writ Petition is filed questioning the action of the Respondents in not extending the benefit of enhanced age of superannuation from 60 to 62 years to the Petitioner pursuant to the resolutions of the Executive Committee as well as the General Body of the Respondent-Society and to declare the same as illegal and arbitrary.**
- 4. The learned Government Pleader submits that the Division Bench of this Court in W.A.No.649 of 2024 had passed an interim order on 11.09.2024 suspending the order of the learned Single Judge with regard to the same relief.**
- 5. Heard the respective counsel.**
- 6. The learned counsel for the Petitioner submits that though the Division Bench of this Court in W.A.649 of 2024 had stayed the enhancement of age of superannuation of 62 years, the distinguishable factor in this case is that the General Body as well as the Executive Committee of the Respondent-Society had resolved to enhance the age of its employees on par with the Government employees i.e., 62 years.**

Apart from that Rule 28(7) of the Andhra Pradesh Co-operative Societies Rules enables the Society to enhance the age of its employees on par with the Government employees. In W.A.No.649 of 2024, the interim orders were passed at the instance of the Co-operative Society which did not pass any General Body or Executive Committee resolution as done in this case.

7. In that view, there shall be interim order as under; (i) The Respondents shall continue the Petitioner till he attains the age of 62 years pending further orders.

8. Post this case along with W.P.No.16226 of 2026.

SD/- N.SRINIVASA RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Co-Operation Department, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District. – 522239, State of Andhra Pradesh (BY SPECIAL MESSENGER)
2. The Chief Executive Officer, Devarapalli Primary, Agricultural Credit Co-operative Society, Devarapalle, Devarapalle (M), Anakapalle Dist. -531133
3. The EIC, Devarapalli Primary, Agricultural Credit Co-operative Society, Devarapalle, Devarapalle (M), Anakapalle Dist.- 531133
4. The Divisional Co-operative Society Office, Yelamanchali, District Co-Operative Office, Anakapalle. -531133
5. The District Co-operative Office, Anakapalle District. – 531133 (Addressee Nos.2 to 5 by SPEED POST- along with a copy of petition and affidavit)
6. One CC to Smt. A PADMA Advocate [OPUC]

7. Two CCs to GP FOR AGRICULTURE & COOPERATION, High
Court Of Andhra Pradesh. [OUT]

8. One spare copy

Kj

HIGH COURT

VN,J

DATED:07/08/2026

POST THIS CASE ALONG WITH W.P.NO.16226 OF 2026

NOTICE BEFORE ADMISSION

WP.No.22294 of 2026

INTERIM DIRECTION

