

[3329]

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

MONDAY, THE THIRTY FIRST DAY OF OCTOBER
TWO THOUSAND AND TWENTY TWO

:PRESENT:

**THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA
WRIT PETITION NO: 33830 OF 2022**



Between:

1. K.N.P.Saradhi, S/o K.Narasimha Rao, Aged 60 years, Occ: Dy. Zonal Manager (E), R/o. 39-222-52/2, Flat No: 102, Sudarsanam Towers, Kalinganagar, Visakhapatnam, Andhra Pradesh.
2. Sri. B Venkata Ramana,, S/o Aged. 60 yrs, Occ. Sr. Assistant, R/o. D. No. 86/3, Kolakalur (Post), Tenali (M), Guntur District, Andhra Pradesh - 522307
3. Sri. Vunnam Nageswara Rao, S/o Late. V. Krishnaiah, Aged. 60, Occ. Chief General Manager E /CE (North)i/c, R/o, Plot No. 15, Road No. 8, Bharathi Nagar, Vijayawada, Andhra Pradesh
4. Sri. J. Subrahmanyam, S/o J. Anjaneyulu, Aged 60 Yrs, Occ. Dy. Zonal Manager (E) , R/o. 36/264-5-8, 1st Floor, 2nd Street, Reddy Colony, Chinna Chowk, Kadapa, Andhra Pradesh 516002.
5. Smt. K. Lakshmi Andalamma, W/o G. Rama Krishna, Aged. 60 yrs, Occ. Zonal Manager (AM), R/o. 2-186/1, Anjaneyanagar, APSP (Post), Kakinada, East Godavari, Andhra Pradesh 533005.
6. Smt. Potluri Venkateswara Rao, S/o Late. Sivarama Krishnaiah, Age. 60, Occ. General Manager (E) R/o. Flat No. 501 Trinity Residency, White Fields, Kondapur, Hyderabad, Telangana-500 084.
7. Sri. P Srinivasa Rao, S/o. P. Sundara Rao, Aged. 60 Yrs, Occ. Asst. Manager (Tech), R/o. 6-49-14/3, Srinivas Nagar, Road No. 7, Chinna Gantyada, Gajuwaka, Visakhapatnam 530026.
8. Sri. T. Subrahmanyam, S/o. Venkata Swamy, Aged. 60 Yrs, Occ. Work Charged Employee, R/o. 37/602-1, Nehru Nagar, Chinna Chowk, Kadapa, Andhra Pradesh - 516002
9. Smt. K. Vijaya Kumari, W/o. P.S.S. Prasad, Aged. 60 Yrs, Occ. General Manager (E) QC and EMP Cell, R/o. 29-1453/158, Kakatiya Nagar, Tilak Marg, Neredmet, Hyderabad - 500056
10. Smt. Maddala Srimani, W/o. Late. Rama Krishna Rao, Aged. 60 Yrs, Occ. Office Subordinate. R/o. Sivam Apartments, 5' Floor 5-D, Pedakakani, Guntur, Andhra Pradesh

...Petitioners

AND

1. Government of Andhra Pradesh, Rep. by Principal Secretary, Department of Industries, Secretariat, Nelapadu, Amaravathi, Andhra Pradesh.

2. The State of Andhra Pradesh, Rep. by its Special Chief Secretary, Finance Department, Secretariat, Nelapadu, Amaravathi, Andhra Pradesh
3. Vice Chairman / Managing Director, Andhra Pradesh Industrial Infrastructure Corporation Limited, (Govt. of A P. Undertaking) Head Office. I T Park, Tower -1, 10th Floor, Auto Nagar, Mangalagiri, Guntur District, Andhra Pradesh - 522503.

...Respondents

WHEREAS the Petitioner above named through their Advocate MANNAM VENKATA KRISHNA RAO 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 more particularly one in the nature of writ of Mandamus by declaring the action of the Respondents in issuing the impugned Proceedings Lr. No. 1858619/APIIC/PW/Superannuation/2022, Dt. 30-09-2022, whereby relieving the petitioner to retire from service on attaining superannuation at the age of 60 Years on their respective due dates immediately, despite Hon'ble High Court Orders in W.P. No. 15354, 22514, 22799, 26822 and 26819 of 2022 as illegal, arbitrary and against the natural justice and fair play contrary to the Provisions of A.P. Public Employment (Regulation of Age of Superannuation Act, 1984 and further violating the Fundamental Rights of the Petitioners under Article 14, 16 and 21 of Constitution of India and Consequently declare the impugned Order as non-est in law and further direct the respondents to continue the Petitioners in employment in the same positions on the date of impugned order as entitled to till the age of 62 years of their age of Superannuation;

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri MANNAM VENKATA KRISHNA RAO Advocate for the Petitioner and of GP for Industries for the Respondent No.1 and of GP for Finance Department for the Respondent No.2 and of Sri J. Ugranarasimha, Standing Counsel for the Respondent No.3, directed issue of notice to the Respondents herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. The Principal Secretary, Department of Industries, Secretariat, Nelapadu, Amaravathi, Andhra Pradesh, Government of AP.
2. The Special Chief Secretary, Finance Department, Secretariat, Nelapadu, Amaravathi, Andhra Pradesh, State of Andhra Pradesh.
3. Vice Chairman / Managing Director, Andhra Pradesh Industrial Infrastructure Corporation Limited, (Govt. of A P. Undertaking) Head Office. I T Park, Tower -1, 10th Floor, Auto Nagar, Mangalagiri, Guntur District, Andhra Pradesh - 522503.

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 within four weeks.

The Court made the following: ORDER

"Notice before admission.

Heard learned counsel for the petitioners and learned standing counsel for the 3rd respondent-Andhra Pradesh Industrial Infrastructure Corporation Limited.

In similar circumstances, the Hon'ble Apex Court passed an order in SLP Nos. 14033 and 14034 of 2017, dated 05.05.2017, directing the respondents to continue the employees upto the age of superannuation of 62 years.

As the petitioner has shown the *prima facie* case, there shall be an interim suspension of the impugned proceedings Lr. No. 1858619/APIIC/PW /Superannuation / 2022, dated 30.09.2022, until further orders.

Further, the respondents are directed to continue the employees upto the age of superannuation of 62 years, if otherwise entitled, as per law, pending further orders in this writ petition.

List after four (04) weeks."

SD/- K.J. RAJA BABU
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Department of Industries, Secretariat, Nelapadu, Amaravathi, Andhra Pradesh. (by RPAD- along with a copy of petition and memorandum of grounds)
2. The Special Chief Secretary, Finance Department, Secretariat, Nelapadu, Amaravathi, Andhra Pradesh (by RPAD- along with a copy of petition and memorandum of grounds)
3. Vice Chairman / Managing Director,, Andhra Pradesh Industrial Infrastructure Corporation Limited, (Govt. of A P. Undertaking) Head Office. I T Park, Tower -1, 10th Floor, Auto Nagar, Mangalagiri, Guntur District, Andhra Pradesh - 522503. (Addresses 1 to 3 by RPAD)
4. One CC to SRI. MANNAM VENKATA KRISHNA RAO Advocate [OPUC]
5. Two CCs to GP for Industries, High Court Of Andhra Pradesh. [OUT]
6. One CC to SRI J. UGRANARASIMHA, STANDING COUNSEL. [OPUC]
7. One spare copy

ER

HIGH COURT

NV, J

DATED:31/10/2022

LIST AFTER FOUR (04) WEEKS

NOTICE BEFORE ADMISSION

WP.No.33830 of 2022

INTERIM SUSPENSION

