



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

**TUESDAY, THE TWENTY SIXTH DAY OF DECEMBER,
TWO THOUSAND AND TWENTY THREE**

:PRESENT:

**THE HONOURABLE SRI JUSTICE GANNAMANENI RAMAKRISHNA PRASAD
WRIT PETITION NO: 32748 OF 2023**

Between:

Ginjurapalli Narasimharao, S/o Pakeeraiah, age 60 Years, Junior Assistant cum Bill Collector/Office Subordinate, Mutluru Gramapanchayat, Mutluru, Vatticherukuru Mandal, Guntur Dist.

...Petitioners.,

AND

1. The State of Andhra Pradesh, Rep by its Principal Secretary, Department of Panchayatraj and Rural Development, Secretariat, Velagapudi, Guntur Dist.
2. The State of A.P., Rep by its Principal Secretary, Finance Department, A.P. Secretariat, 1st Floor, 2nd Block, Velagapudi, Guntur Dist.
3. The Commissioner, Panchayat Raj and Rural Development Department, Tadepalli, Guntur District.
4. The District Panchayat Officer, Guntur Dist.
5. The Mandal Parishad Development Officer(M.P.D.O.), Vatticherukuru Mandal, Guntur District.
6. The Mutluru Gramapanchayat, Rep by its secretary, Mutluru Village and post, Vatticherukuru Mandal, Guntur Dist.

(Respondent No. 6 impleaded as per Court Order dated 22-12-2023 vide I.A.No. 2 of 2023 in WP No. 32748 of 2023)

...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 directing the respondents to continue the petitioner as Junior Assistant cum Bill collector /Office Subordinate up to 62 years by considering the G.O.Ms.No. 15 dated 31/01.2022 issued by the 1st respondent and Cir.Memo.No. 1813129/FIN01-HR/212/2022-HR-IV dated 23/9/2022 of the 2nd respondent and further direct the respondents to continue the petitioner in his posts till attaining the age of superannuation of 62 Years and pay the attendant and consequential benefits to the petitioner.

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 respondents to continue the petitioner as clerk cum Bill collector/Office Subordinate till attaining superannuation age of 62 years by paying salary in view of the interim orders in W.P.NO. 10468/2023 by this Hon'ble court, Pending disposal of WP 32748 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 T.V.V.Koteswara Rao, Counsel for the Writ Petitioners, Sri Y.B. Ramesh, Ld.

Assistant Government Pleader for Services-IV appearing for the Respondent Nos.1,3 and 4 and GP for Finance and Planning for the respondent No.2, Sri G.Srinivasula Reddy, Standing Counsel for ZPP, MPP and Gram Panchayat appearing for the respondent Nos. 5 to 12, the Court made the following

ORDER:

“Heard Sri T.V.V.Koteswara Rao, Ld Counsel for the Writ Petitioners, Sri Y.B. Ramesh, Ld. Assistant Government Pleader for Services-IV appearing for the Respondent Nos.1,3 and 4 and Sri G.Srinivasula Reddy, Ld. Standing Counsel for ZPP, MPP and Gram Panchayat appearing for the respondent Nos. 5 to 12.

2. Learned counsel for the Writ Petitioner would submit that the Writ Petitioner is working as Bill Collector in the offices of Respondent No.6. Learned counsel would submit that the Writ Petitioner is initially appointed on daily wages on 28.01.1986.

3. Learned counsel would submit that the Writ Petitioner was given benefit of extension of age of Superannuation from 58 to 60 years vide G.O.Ms. No.26, dated 19.02.2019 (Ex.P13). Learned counsel would further submit that while the regular employees in the service of Government were given the benefit of extension of superannuation from 60 to 62 years, the Writ Petitioner herein was not given the similar benefit.

4. Learned counsel for the petitioner has drawn the attention of this Court to an Interim Order passed by this Court dated 25.04.2023 in W.P.No.10468 of 2023, wherein the Writ Petitioner therein was similarly situated (Ex.P3).

5. Having regard to the submissions made by the counsel, this Court is of the considered view that the interim benefit granted by this Court vide Order dated 25.04.2023, in W.P.No.10468 of 2023 should be extended to the present Writ Petitioner.

6. Accordingly, there shall be a direction to the respondent No.3 to 5 to continue the Writ Petitioner in the same post that he was working till he attained the age of superannuation i.e., 62 years, in terms of G.O.Ms. No.15, dated 31-1-2022 without any break under the same terms and conditions existing earlier.

7. Let Counter-Affidavit be filed within three weeks. One week thereafter for filing Rejoinder, if any.

8. List the matter on 30.01.2024."

//TRUE COPY//

Sd/- N. NAGAMMA
ASSISTANT REGISTRAR

For

SECTION OFFICER

To,

1. The Principal Secretary, State of Andhra Pradesh, Department of Panchayatraj and Rural Development, Secretariat, Velagapudi, Guntur Dist.
2. The Principal Secretary, State of A.P., Finance Department, A.P. Secretariat, Floor, 2nd Block, Velagapudi, Guntur Dist.
3. The Commissioner, Panchayat Raj and Rural Development Department, Tadepalli, Guntur District.
4. The District Panchayat Officer, Guntur Dist.
5. The Mandal Parishad Development Officer(M.P.D.O.), Vatticherukuru Mandal, Guntur District.
6. The Secretary, Mutluru Gramapanchayat, Mutluru Village and post, Vatticherukuru Mandal, Guntur Dist. (Addressee nos.1 to 6 by RPAD)
7. One CC to Sri T V V Koteswara Rao, Advocate [OPUC]
8. Two CCs to GP for Services IV, High Court of Andhra Pradesh. [OUT]
9. Two CCs to GP for Panchayat Raj and Rural Development, High Court of Andhra Pradesh. [OUT]
10. Two CCs to GP for Finance & Planning Department, High Court of Andhra Pradesh. [OUT]
11. One CC to Sri G.Srinivasula Reddy, Standing Counsel [OPUC]
12. **One spare copy.**

CVSS

HIGH COURT

GRKP,J

DATED:26/12/2023

LIST THE MATTER ON 30.01.2024

ORDER

WP.No.32748 of 2023

DIRECTION

