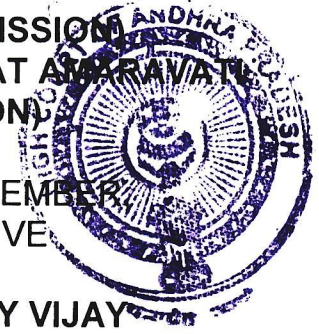


**(SHOW CAUSE NOTICE BEFORE ADMISSION
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)**

THURSDAY, THE FOURTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

:PRESENT:

**HONOURABLE SRI JUSTICE NYAPATHY VIJAY
WRIT PETITION NO: 33781 OF 2025**



Between:

Rayadurgam Venkata Ramana, Age 60 years, S/o.Sri.Rayadurgam Akkulappa, Occupation Work Inspector Grade-III, Andhra Pradesh Housing Board, Kurnool Division, R/o.D.No.28-6-104, A.P. Housing Board Colony, LIG-1 404 Phase-1, Anantapur, Ananthapuramu, Andhra Pradesh- PIN 515 001.

...Petitioner

AND

1. Andhra Pradesh Housing Board, Door No.521, Prasadampadu, Vijayawada Rep by its Vice Chairman and Housing Commissioner.
2. The Vice-Chairman and Housing Commissioner Andhra Pradesh Housing Board, Door No.521, Prasadampadu, Vijayawada.
3. The State of Andhra Pradesh, Rep. by its Principal Secretary Department Of Finance (HR.IV-FR AND LR) Secretariat, Velagapudi, Amaravati
4. The State of Andhra Pradesh, Rep. by its Principal Secretary for Municipal Administration and Urban Development, Urban Housing, Secretariat, Velagapudi, Amaravati.
5. The Executive Engineer (Housing), Andhra Pradesh Housing Board, D.No.80/131-92-2, Kurnool, Andhra Pradesh-518002.

...Respondents

WHEREAS the Petitioner above named through his Advocate Sri.BALA MURALI KRISHNA P 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 the one in the nature of writ of Mandamus declaring the inaction on the part of respondents in enhancing the age of superannuation from 60 years to 62 years for the employees working in 2nd respondent Organisation in terms of G.O.Ms No.15 dated 31.01.2022 issued by the 1st respondent, the subsequent Memo. No. AP Ordinance 01/B6/APHB/2022 dated 27-09-2022 issued by the Respondent No.2 and the clarification given by Respondent No.3 vide Cir. Memo. No.1813129/FIN01-HR/212/2022-HR-IV dated 23-09-2022 which starts with a non obstante clause which doesn't synchronize with G.O.Ms. No.15 dated 31-01-2022 or the Andhra Pradesh Ordinance No.1 of 2022 dated 31-01-2022, an ordinance which was issued to amend the Andhra Pradesh Public Employment (Regulation of Age of Superannuation) Act, 1984 as arbitrary, self contradictory and is violative of Articles 14, 16, 21 and 23 of the Constitution of India and consequently direct the respondents to enhance the age of superannuation of the petitioner from 60 years to 62 years on par with the Government employees in terms of G.O.Ms No.15 dt 31.01.2022 issued by the 1st respondent, without any break in service, with full back wages, all allowances and with all consequential benefits;

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of Sri Bala Murali Krishna, P Advocate for the Petitioner and Sri.Y.V.Srinivasan, Standing counsel for Respondent Nos.1, 2 and 5 and of GP for Finance for Respondent No.3 and of GP for MAUD for Respondent No.4 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 Vice Chairman and Housing Commissioner, Andhra Pradesh Housing Board, Door No.521, Prasadampadu, Vijayawada.
2. The Vice-Chairman and Housing Commissioner Andhra Pradesh Housing Board, Door No.521, Prasadampadu, Vijayawada.

3. The Principal Secretary, State of Andhra Pradesh, Department Of Finance (HR.IV-FR AND LR) Secretariat, Velagapudi, Amaravati
4. The Principal Secretary, State of Andhra Pradesh, Municipal Administration and Urban Development, Urban Housing, Secretariat, Velagapudi, Amaravati.
5. The Executive Engineer (Housing), Andhra Pradesh Housing Board, D.No.80/131-92-2, Kurnool, Andhra Pradesh-518002.

are be and hereby directed to show 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 2025

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 retirement proceedings issued vide Procs. No.WC Estt/Retirement/EE(H)/APHB/KNL/2025/822 dated 21.11.2025 and direct the Respondents to continue the Petitioner in service with the same conditions of service and all attendant benefits up to 62 years on par with the other employees of the Andhra Pradesh Housing Board, pending disposal of WP No. 33781 of 2025, on the file of the High Court.

The Court made the following:

ORDER:

Notice before admission, returnable in four weeks.

The present writ petition is filed seeking for enchancing the age of superannuation from 60 years to 62 years for the employees working in Andhra Pradesh Housing Board in terms of G.O.Ms.No.15,dated 31.01.2022 issued by the Respondent No.1.

The petitioner is an employee of the Andhra Pradesh Housing Board and he seeks enhancement of the age of retirement on par with the State Government employees. The reliance was place on Section 16 of Andhra Pradesh Housing Board Act, 1956, which provides for service

conditions of the employees of the Housing Board at par with the State Government employees.

Learned Single Judge of this court in W.P.No.22682 of 2023 and batch had elaborately considered the scope of Section 16 of the Andhra Pradesh Housing Board Act and held that the employees of the Andhra Pradesh Housing Board could be entitled for enhancing the age of retirement from; 60 years to 62 years. Earlier thereto, a Division Bench of this court in W.P.No.25188 of 2018 and W.P.No.4347 of 2020 & batch held that employees of the Housing Board are entitled for enchacement of retirement age at par with the Government employees. In the review filed in those batch of cases, a Division Bench of this Court vide order dated 19.11.2024 had considered Section16 of the Act and held that employees of the Housing Board are entitled for enhanced age of retirement.

Learning Standing Counsel of the respondent-Corporation relies on interim orders of this court in W.A.Nos.153 of 2025 and 946 of 2024, wherein this court had stayed the orders of the learned Single Judge passed in W.P.No.22682 of 2023 and batch. Learned Standing Counsel would contend that since the interpretation of Section 16 of the Andhra Pradesh Housing Board Act is under consideration in the Writ Appeal, there is no reason for this Court to grant interim order.

Having heard the respective counsels, the interim orders of this court in W.A.Nos. 153 of 2025 and 946 of 2024 were passed without noticing the order passed by a Co-ordinate Division Bench of this Court in review petitions dated 19.11.2024, affirming the orders passed by the Division Bench in W.P.No.25188 of 2018 and W.P.No.4347 of 20202 & batch. Since this aspect was unfortunately not brought to the notice of the Division Bench, the interim orders came to be passed.

Therefore, there shall be an interim direction to the Respondents to suspend the retirement proceedings issued vide Proc.No.WC/Estt/Retirement/EE(H)/APHB/KNL/2025/822 dated 21.11.2025 and to continue the Petitioner in service with the same conditions of

service and all attendant benefits upto 62 years on par with the other employees of the Andhra Pradesh Housing Board.

Post this case along with connected W.P.No.17859 of 2025.

Sd/-B.Chitti Joseph,

DEPUTY REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Vice Chairman and Housing Commissioner, Andhra Pradesh Housing Board, Door No.521, Prasadampadu, Vijayawada.
2. The Vice-Chairman and Housing Commissioner Andhra Pradesh Housing Board, Door No.521, Prasadampadu, Vijayawada.
3. The Principal Secretary, State of Andhra Pradesh, Department Of Finance (HR.IV-FR AND LR) Secretariat, Velagapudi, Amaravati
4. The Principal Secretary, State of Andhra Pradesh, Municipal Administration and Urban Development, Urban Housing, Secretariat, Velagapudi, Amaravati.
5. The Executive Engineer (Housing), Andhra Pradesh Housing Board, D.No.80/131-92-2, Kurnool, Andhra Pradesh-518002 (by RPAD- along with a copy of petition and memorandum of grounds)
6. One CC to Sri. Bala Murali Krishna P Advocate [OPUC]
7. One CC to Sri.Y.V.Srinivasan, Standing Counsel [OPUC]
8. One CC to Ms.G.Padmaja, Standing Counsel [OPUC]
9. Two CCs to GP for FINANCE, High Court of A.P., Amaravati(OUT)
10. Two CCs to GP for MAUD, High Court of A.P., Amaravati(OUT)
11. One spare copy

HIGH COURT

HIGH COURT

VN,J

DATED:04/12/2025

Post this case along with connected W.P.No.17859 of 2025.

NOTICE BEFORE ADMISSION

WP.No.33781 of 2025

INTERIM DIRECTION

