

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE B. PRAKASH RAO

WRIT PETITION NO : 8909 of 1993

Between:

Reddy Tata Rao, S/o Naganna dora, aged 58 years, r/o Payakaraopet, Visakhapatnam District.

..... PETITIONER

AND

1. Thandava Co-op Sugar Limited, Payakaraopet, Visakhapatnam District, rep. By its Managing Director.
2. The Director of Sugar-cum-Cane Commissioner, Govt of A.P., Exhibition grounds, Nampally, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or orders one in the nature of writ of mandamus declaring the notice issued by the first respondent in proceedings DCS NO. Admn/Estt/Retirement/2002-2003 dated 21.4.2003 in superannuation of the petitioner at the age of 58 years as illegal, arbitrary and unconstitutional and consequently direct the first respondent to continue the petitioner in service up to the age of 60 years with all the consequential benefits and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.J.PRABHAKAR

Counsel for the Respondent No.: MR.ARAJASHEKAR REDDY (SC FOR CG)

The Court made the following :

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ORDER:

Heard both sides and at their request the main Writ Petition itself is taken up for disposal.

The question involved in this Writ Petition, with regard to the age of superannuation, is squarely covered by a decision of the Full Bench, reported in THE ETIKOPPAKKA COOPERATIVE AGRICULTURAL AND INDUSTRIAL SOCIETY LIMITED VS. K. SANYASI AND OTHERS wherein, this court held that the respondents-petitioners have no right to continue in service beyond 58 years of age under Rule 28(5) of the A.P. Cooperative Societies Rules, 1964.

In view of the above, nothing survives in this Writ Petition and accordingly, the Writ Petition is dismissed. No costs.

_____ B. PRAKASH RAO, J

Dated:14.12.2004.

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To

1. Thandava Co-op Sugar Limited, Payakaraopet, Visakhapatnam District, rep. By its Managing Director.
2. The Director of Sugar-cum-Cane Commissioner, Govt of A.P., Exhibition grounds, Nampally, Hyderabad.
3. 2 CCs to G.P. for Cooperatives, High Court of A.P., Hyderabad. (OUT)
4. 2CD copies.