

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI
(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF MARCH
TWO THOUSAND AND TWENTY FOUR

PRESENT



THE HON'BLE SRI JUSTICE GANNAMANENI RAMAKRISHNA PRASAD

WRIT PETITION NO: 7765 OF 2024

Between:

Sri I. Veeraju, S/o. I. Pydithalli late, aged 60 years, Occ: Superior Field Worker (SFW) on Consolidated Pay, Anti Malaria Unit, at Vishakha Steel Plant, Visakhapatnam

...PETITIONER

AND

1. The State of Andhra Pradesh, rep. by its Principal Secretary, Health Medical and Family Welfare Dept, Secretariat, Velagapudi, Guntur District.
2. The State of Andhra Pradesh, rep. by its Spl. Chief Secretary, Finance (HR.IV-FR and LR) Department, Secretariat, Velagapudi, Guntur District.
3. The Director of Public Health and Family Welfare, State of A.P., Gollapudi, Vijayawada.
4. The District Collector, Visakhapatnam District, at Visakhapatnam.
5. The District Medical and Health Officer, Visakhapatnam District, Seethammadhara, Visakhapatnam
6. The District Malaria Officer, Visakhapatnam District, Near Z.P. Office, Visakhapatnam.

...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, declaring the action of the respondents herein in terminated the petitioner from service as Superior Field Worker on consolidated pay, at the age of 60 years vide impugned termination proceeding.Rc.No.21/ S.E/2024, dated 25-3-2024 without continuing the petitioner in service till 62 years, as per the G.O.Ms.No.15, Finance

Department dated 31-1-2022 as highly illegal, arbitrary and discrimination and also contrary to the law and consequential the Hon'ble court may pleased to set aside the impugned termination order dated 25-3-2024 by declaring that the petitioner herein is also entitled to continue in service upto 62 years as Superior Field Worker on consolidated pay with all consequential benefits.

IA NO: 1 OF 2024

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 herein to continue the petitioner in service as Superior Field Worker on consolidated pay upto he age of 62 years by suspending the impugned termination proceeding. Rc.No.21/ S.E/2024, dated 25-3-2024, pending disposal of the Writ Petition.

Counsel for the Petitioner : SRI M.R. TAGORE

Counsel for the Respondents 1, 3 to 6 : GP FOR SERVICES - IV

Counsel for the Respondent 2 : GP FOR SERVICES - I

The Court made the following: ORDER



IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)

[3328]

THURSDAY, THE TWENTY EIGHTH DAY OF MARCH
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE GANNAMANENI RAMAKRISHNA
PRASAD

WRIT PETITION NO: 7765/2024

Between:

I.veeraju,

...PETITIONER

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.M R TAGORE

Counsel for the Respondent(S):

1.GP FOR SERVICES IV

2.GP FOR SERVICES I

The Court made the following Oral Order:

Heard Sri M.R.Tagore, Learned Counsel for the Writ
Petitioner, Sri Y.B.Ramesh, Learned Assistant Government
Pleader for Services-IV appearing for the Respondent Nos.1 & 3
to 6 and Sri S.Raju, Learned Assistant Government Pleader for
Services-I appearing for the Respondent No.2.

2. Sri Y.B.Ramesh, Learned Assistant Government Pleader for Services-IV has submitted a copy of the Order passed by the Division Bench of this Court to submit that the Writ Petitioner herein is appointed on temporary basis on a consolidated pay as Superior Field Worker and that the case of the Writ Petitioner is squarely covered by a judgment rendered by the Division Bench of this Court dated 10.01.2024 in W.P.No.21294 of 2023. The Division Bench of this Court has held that the persons who are not appointed on regular basis are not entitled to the benefit of extension of age of superannuation *vide* G.O.Ms.No.15 dated 31.01.2022.
3. Having considered the submissions of the Learned Assistant Government Pleader, this Court is of the opinion that the Order passed by the Division Bench of this Court dated 10.01.2024 in W.P.No.21294 of 2023 is binding on this Court.
4. The same Division Bench, in W.A.No.770 of 2022 by Order dated 13.02.2024 had held that the Official Respondents are free to re-engage services of the Writ Petitioner or any other similarly situated person, if they so desire.
5. Having regard to the Judgments rendered by the Division Bench of this Court dated 10.01.2024 in W.P.No.21294 of 2023 and dated 13.02.2024 in W.A.No.770 of 2022, this Court is of the

view that this Writ Petition cannot be entertained since the ratio of the Order in W.P.No.21294 of 2023 dated 10.01.2024 would squarely bind this Court. However, the observations made by the Division Bench of this Court in W.A.No.770 of 2022 on 13.02.2024 would also bind this Court. Accordingly, this Court observes that the Respondents are free to re-engage the services of the Writ Petitioner, if they so desire.

6. With the above observations, this Writ Petition is disposed of. No Order as to costs.

7. Interlocutory Applications, if any, stand closed in terms of this Order.

//TRUE COPY//

Sd/- K TATA RAO
DEPUTY REGISTRAR
NB
SECTION OFFICER

To,

1. The Principal Secretary, Health Medical and Family Welfare Dept, Secretariat, Velagapudi, Guntur District, Andhra Pradesh
2. The Special Chief Secretary, Finance (HR.IV-FR and LR) Department, Secretariat, Velagapudi, Guntur District, Andhra Pradesh
3. The Director of Public Health and Family Welfare, State of AP, Gollapudi, Vijayawada.
4. The District Collector, Visakhapatnam District, at Visakhapatnam.
5. The District Medical and Health Officer, Visakhapatnam District, Seethammadhara, Visakhapatnam
6. The District Malaria Officer, Visakhapatnam District, Near Z.P. Office, Visakhapatnam.
7. One CC to SRI M R TAGORE Advocate [OPUC]
8. Two CCs to GP FOR SERVICES IV, High Court of Andhra Pradesh [OUT]
9. Two CCs to GP FOR SERVICES I, High Court of Andhra Pradesh [OUT]
10. Three CD Copies

HIGH COURT

DATED:28/03/2024

ORDER

WP.No.7765 of 2024



DISPOSING OF W.P.

WITHOUT COST