



IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
THURSDAY, THE FIFTEENTH DAY OF JUNE
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE D.V.S.S.SOMAYAJULU
AND
THE HONOURABLE SRI JUSTICE DUPPALA VENKATA RAMANA
IA No. 2 OF 2023

IN

WA NO: 553 OF 2023

Between:

1. THE EASTERN POWER DISTRIBUTION CORPORATION OF AP LIMITED, Rep. by its Chairman and Managing Director, Corporate Office, Seethammadhara, Visakhapatnam, Andhra Pradesh.
2. The Chief General Manager (HRD), APEPDCL, Corporate Office, Seethammadhara, Visakhapatnam, Andhra Pradesh.
3. The Superintendent Engineer (Operation), APEPDCL, Eluru Operation Circle, Eluru, Eluru District, Andhra Pradesh.

...Appellants/Respondents No.5 to 7
(Petitioner in WA 553OF 2023
on the file of High Court)

AND

1. M Edwin Fastin, S/o. Edwin, Age. 60 years, Occ. Rtd. Senior Assistant, R/o. 13-65, Vidya Nagar, Near Mother Theresa Water Plant, Eluru, Eluru District, Andhra Pradesh.

Respondent No.1/Petitioner

2. The State of Andhra Pradesh, Rep. By its Principal Secretary, Finance Department, Secretariat, Velagapudi, Guntur District, Andhra Pradesh.
3. The Principal Secretary, Government of Andhra Pradesh, Energy Department, Secretariat, Velagapudi, Guntur District, Andhra Pradesh.
4. The Principal Secretary, Government of Andhra Pradesh, General Administration Department, Secretariat, Velagapudi, Guntur District, Andhra Pradesh.
5. The AP TRANSCO, Rep. By its Chairman and Managing Director, Vidyut Soudha, Gunadala, Vijayawada, Andhra Pradesh-520004.
6. The Union of India, Rep. by its Secretary, Power, New and Renewable Energy Department, Atal Akshay Urja Bhawan, CGO Complex, Lodhi Road, New Delhi-110 003.
7. The Union of India, Rep. by its Secretary, General Administration Department, Rashtrapati Bhavan, New Delhi-110 004.

...Respondents/Respondent No.1 to 4,8 & 9
(Respondents in-do-)

Counsel for the Petitioner : Sri METTA CHENDRA SEKHAR RAO

Counsel for the Respondent No.1: Sri PEETA RAMAN

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 stay all further proceeding in pursuance of the orders, dated 04.04.2023 made in IA No. 1 of 2023 in W.P.No.8405 of 2023, Pending disposal of WANo. 553 of 2023, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order. (The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER

"Heard learned counsel for the appellants and the learned counsel for the respondents.

The interim order virtually amounts to the final order. This is a practice which has been deprecated by the Hon'ble Supreme Court of India on more than one occasion.

Apart from this, this Court notices that in a batch of writ appeals (W.A.No.1033 of 2022 and batch) this Court has held that the increase in the retirement age to 62 years will only be applicable under certain circumstances and if certain legal formalities have been followed. Admittedly, in this case as stated by the respondents, no resolution has been passed or have regulations been amended.

In view of the settled law on the subject, this Court is of the opinion that the interim order has to be suspended.

Accordingly, the interim order is suspended."

Sd/-N.NAGAMMA
ASSISTANT REGISTRAR

//TRUE COPY//

For / SECTION OFFICER

To,

1. M Edwin Fastin, S/o. Edwin, Age. 60 years, Occ. Rtd. Senior Assistant, R/o. 13-65, Vidya Nagar, Near Mother Theresa Water Plant, Eluru, Eluru District, Andhra Pradesh.
2. The Principal Secretary, Finance Department, Secretariat, Velagapudi, Guntur District, Andhra Pradesh.
3. The Principal Secretary,, Government of Andhra Pradesh, Energy Department, Secretariat, Velagapudi, Guntur District, Andhra Pradesh.
4. The Principal Secretary,, Government of Andhra Pradesh, General Administration Department, Secretariat, Velagapudi, Guntur District, Andhra Pradesh.
5. The Chairman and Managing Director, AP TRANSCO, Vidyut Soudha, Gunadala, Vijayawada, Andhra Pradesh-520004.
6. The Secretary, Union of India, Power, New and Renewable Energy Department, Atal Akshay Urja Bhawan, CGO Complex, Lodhi Road, New Delhi-110 003.
7. The Secretary, Union of India, General Administration Department, Rashtrapati Bhavan, New Delhi-110 004..(Addressess 1 to 7 By RPAD)
8. One CC to SRI. METTA CHENDRA SEKHAR RAO Advocate [OPUC]
9. One CC to SRI. PEETA RAMAN Advocate [OPUC]
10. Two Spare copie



HIGH COURT

DVSS,J
DVR,J

DATED:15/06/2023

LIST ON 10.07.2023 ALONG WITH W.A.NO.392 OF 2023.

ORDER

IA No. 2 OF 2023
IN
WA NO: 553 OF 2023

INTERIM SUSPENSION

