

[3329]

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

**TUESDAY, THE TWENTY FOURTH DAY OF JANUARY
TWO THOUSAND AND TWENTY THREE**

: PRESENT:

**THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA
WRIT PETITION NO: 1539 OF 2023**

Between:

M Eswara Reddy, S/o. M. Sidda Reddy, Aged 60 years, Occ- Retired Assistant Engineer, APSIDC R/o. 19-12-175, Bairagi Patteda, Tirupathi, Tirupathi(Urban), Chittoor District

Petitioner

AND

1. The State of Andhra Pradesh, Rept. by Principal Secretary, Finance Department Secretariat, Amaravathi, Guntur District.
2. The State of Andhra Pradesh, Rept. by Principal Secretary, Water Resources Department, Secretariat, Amaravathi, Guntur District.
3. The A.P. State Irrigation Department Corporation Ltd, Rept. by its Managing Director, Corporate Office, Ammana Estate, Opp. Andhra Hospital, Prakasam Road, Governorpet, Vijayawada
4. The Chairman, APSIDCL, CPF Trust, Regd. Office, Vijayawada

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 to declare the action of respondents in relieving the petitioner from service vide Proc.No.IDC/EE/OGL/Esst./ASO/2021-22/2012/ 1340 dated 31.03.2022 without enhancing the age of superannuation from 60yrs to 62yrs in terms of G.O.Ms.No.15, dt.31-01-2022 issued by the 1st respondent as arbitrary, illegal violation of Articles 14 and 21 of the Constitution of India and consequently set aside the Proc.No. IDC /EE /OGL /Esst. /ASO/2021-22/2012/1340 dated 31.03.2022, relieving the petitioner from service and reinstate the petitioner in to service till the age of superannuation of 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

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 respondent No.3 to reinstate the petitioner in to service till the age of superannuation of 62 years with salary and other benefits by suspending the operation of Proc.No. TDC / EE / OGL /Esst./ASO/2021-22/2012/ 1340 dated 31.03.2022, pending disposal of WP 1539 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 P NAGENDRA REDDY Advocate for the Petitioner, and of GP FOR IRRIGATION for the Respondent No.1, GP FOR FINANCE for Respondent No.2, SRI E V

JAGANNADHA RAO Standing Counsel for Respondent Nos.3 and 4, the Court made the following.

ORDER:

"Heard learned counsel for the petitioner, and Sri E.V.Jagannadha Rao, learned counsel for respondent Nos.3 and 4. ✓

Learned counsel for the petitioner submits that in similar circumstances, this Court passed an interim order dated 20.01.2023 in W.P.No.1182 of 2023, as follows:

"The respondents are directed to reinstate the writ petitioner into service within a period of two weeks from the date of submission of this order and continue the writ petitioner till the next date of hearing."

In view of the above, this Court deems it appropriate to extend the same benefit to the petitioner herein also.

Accordingly, there shall be an interim direction to the respondents to reinstate the petitioner into service within a period of two weeks from the date of submission of this order and continue the petitioner till the next date of hearing.

Let counter affidavit be filed within three weeks. ✓

List on 17.02.2023. ✓

List along with W.P.No.1182 of 2023" ✓

//TRUE COPY//

Sd/- S. SRINIVASA PRASAD
ASSISTANT REGISTRAR

For

SECTION OFFICER

To,

1. The Principal Secretary, Finance Department, State of Andhra Pradesh, Secretariat, Amaravathi, Guntur District.
2. The Principal Secretary, Water Resources Department, State of Andhra Pradesh, Secretariat, Amaravathi, Guntur District.
3. The Managing Director, A.P. State Irrigation Department Corporation Ltd, Corporate Office, Ammana Estate, Opp. Andhra Hospital, Prakasam Road, Governorpet, Vijayawada
4. The Chairman, APSIDCL, CPF Trust, Regd. Office, Vijayawada (Addresses 1 to 4 by RPAD)
5. One CC to SRI. P NAGENDRA REDDY Advocate [OPUC]
6. Two CCs to GP FOR IRRIGATION, High Court of Andhra Pradesh. [OUT]
7. Two CCs to GP FOR FINANCE, High Court of Andhra Pradesh [OUT]
8. One CC to SRI E V. JAGANNADHA RAO, Standing Counsel [OPUC]
9. One spare copy

HIGH COURT

NVJ

DATED:24/01/2023

LIST ON 17.02.2023 ALONG WITH WP.NO.1182 OF 2023

ORDER

WP.No.1539 of 2023

DIRECTION

