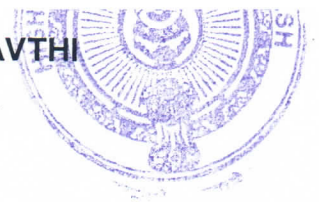


IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI
(Special Original Jurisdiction)

THURSDAY, THE TWENTY SEVENTH DAY OF JULY
TWO THOUSAND AND TWENTY THREE

: PRESENT:

THE HONOURABLE SMT JUSTICE V.SUJATHA



WRIT PETITION NO: 18427 OF 2023

Between:

Kaligithi Abraham, S/o. Samuel, Aged about 59 years, Occ: Employee in Anti-Malaria Department, D.No. 24-91-2, Gonthuvanipalem, Gajuwaka, Visakhapatnam

Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its principal Secretary, Medical, Health and Family Welfare Department, Secretariat, Velagapudi, Guntur Dist.
2. The District Collector, Visakhapatnam Dist Visakhapatnam.
3. The District Medical and Health Officer, Vishakapatnam Dist, Visakhapatnam.
4. The District Malaria Officer, Paderu, Visakhapatnam Dist.
5. The Senior Entomologist Anti Malaria Unit, Gajuwaka, Visakhapatnam
6. The Chairman Cum Managing Director, Visakhapatnam Steel Plant Visakhapatnam City, Visakhapatnam District

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 writ or order more particularly one in the nature of writ of mandamus to declare proceedings vide Letter No.29/AC/2023 dt.24-06-2022 issued by the 5th Respondent terminating the services of the petitioner in Anti Malaria Department in Steel Plant Malaria Unit, Visakhapatnam unilaterally alleging that he reached the age of superannuation on the basis of date of birth as illegal, arbitrary, against the principles of natural justice without considering G.O.Ms.No.15 Finance (HR.IV-FR & LR) Department dt.31-01-2022 of Government of Andhra Pradesh consequently set aside proceedings vide Letter No.29/AC/2023 dt.24-06-2022 issued by the 5th Respondent and continue the petitioner in service in Anti Malaria Department in Steel Plant Malaria Unit, Visakhapatnam until attaining the age of 62 years by considering G.O.Ms.No.15 Finance (HR.IV-FR & LR) Department dt.31-01-2022 of Government of Andhra Pradesh with all consequential benefits.

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 suspend the proceedings vide Letter No.29/AC/2023 dt.24-06-2022 issued by the 5th Respondent by permitting the petitioner to continue in Anti Malaria Department in Steel Plant Malaria Unit, Visakhapatnam till attaining the age of 62 years as per G.O.Ms. No. 15 Finance (HR.IV-FR & LR) Department dated 31-01-2022 of

Government of Andhra Pradesh, Pending disposal of WP No. 18427 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 Pechathy Ranga Rao, Advocate for the Petitioner, and of GP for Services IV for the respondent Nos. 1 to 5, and of Sri V.Subramanyam, Standing Counsel for respondent No.6, the Court made the following.

ORDER

Heard the learned counsel for the petitioner and the learned counsel for the respondents.

Learned counsel for the petitioner would submit that in similar circumstances, this Court granted an interim order in W.P.No.1837 of 2023 on 30.01.2023 and requested to pass a similar order in this writ petition also. The interim order passed in W.P.No.1837 of 2023 is as follows:

“There shall be an interim direction that the respondents are directed to continue the services of the petitioner as Office-Subordinate till he attains the age of superannuation i.e., up to 62 years as per G.O.Ms.No.15 dated 31.01.2022, without any break and with all consequential attendant benefits including regular pay and allowances.

Hence, in view of the aforesaid order, this Court is inclined to pass a similar order in this writ petition also.

Therefore, there shall be an interim direction to the respondents to continue the services of the petitioner till he attains the age of superannuation i.e. up to 62 years as per G.O.Ms.No.15 Finance (HR. IV-FR & LR) Department, dated 31.01.2022, without any break and with all consequential attendant benefits including regular pay and allowances.

Post the matter along with W.P.No.1837 of 2023.

//TRUE COPY//

SD/-M. Srinivas
ASSISTANT REGISTRAR

For ASSISTANT REGISTRAR

To,

1. The Principal Secretary Medical, Health and Family Welfare Department, State of Andhra Pradesh, Secretariat, Velagapudi, Guntur Dist.
2. The District Collector, Visakhapatnam Dist Visakhapatnam.
3. The District Medical and Health Officer, Vishakapatnam Dist, Visakhapatnam.
4. The District Malaria Officer, Paderu, Visakhapatnam Dist.
5. The Senior Entomologist Anti Maleria Unit, Gajuwaka, Visakhapatnam

6. The Chairman Cum Managing Director, Visakhapatnam Steel Plant
Visakhapatnam City, Visakhapatnam District
7. One CC to Sri Pechathy Ranga Rao, Advocate [OPUC]
8. Two CCs to GP FOR SERVICES IV, High Court Of Andhra Pradesh [OUT]
9. One CC to Sri V.Subramanyam, Standing Counsel [OPUC]
10. One spare copy

HIGH COURT

VSJ

DATED: 27/07/2023

POST THE MATTER ALONG WITH W.P.NO. 1837 OF 2023

ORDER

WP.NO.18427 OF 2023

INTERIM DIRECTION

