

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI
(SPECIAL ORIGINAL JURISDICTION)



TUESDAY, THE TWENTY EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 4837 OF 2023

Between:

Orugonda Kasi Viswanadham Chetty, S/o. O. Jaya Ramaiah, Aged 60 years,
Occ Line Inspector, Electrical Section, Engineering Department, SV
University, Tirupati. R/o. D.No.11-25, Railway Feeder Road, New Pet,
Chandragiri, Tirupati District

...Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Higher Education Department, Secretariat Buildings, Velagapudi, Thullur Mandal, Amaravathi, Guntur District.
2. State of Andhra Pradesh, Rep. by its Principal Secretary, Finance Department, Secretariat Buildings, Velagapudi, Thullur Mandal, Amaravathi, Guntur District.
3. The AP State Council of Higher Education (APSCHE), Rep. by the Secretary, 3rd 4th, 5th floors, Neeladri Towers, Sri Ram Nagar, 6th Battalion Road, Atmakur(V), Mangalagiri (M), Guntur-522 503, Andhra Pradesh.
4. The Executive Council, Sri Venkateswara University, Rep. by its Chairman-cum- Vice-Chancellor, SV University, Tirupati.
5. Sri Venkateswara University, Tirupati, Chittoor District, Rep by its Registrar.

...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 or order or direction more particularly one in the nature of Writ of MANDAMUS declare i) 2nd Respondent's Circular No. 1813129/ FIN01-HR/ 212 / 2022-HR-IV dated 23-09-2022 to the extent of Paragraph No. 6 and ii) Proceedings No. E.I (2)/Age of Supern. 60 Years/2022 dated 16-06-2022 issued by the 5th Respondent as illegal, arbitrary and violative of Articles 14, 16 and 21 of the Constitution of India and consequently set aside i) 2nd Respondent's Circular No. 1813129/FIN01-HR/212/2022-HR-IV dated 23-09-2022 to the extent of Paragraph No. 6 and ii) Proceedings No. E.I (2)/Age of Supern. 60 Years/2022 dated 16-06-2022 issued by the 5th 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 writ petition, the High Court may be pleased to permit the Petitioner to attend his duties by suspending the operation of the Proceedings No. E.I (2)/Age of Supern. 60 Years/2022 dated 16-06-2022 issued by the 5th Respondent, pending disposal of WP 4837 of 2023, on the file of the High Court.

IA NO: 2 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to suspend the operation of the 2nd Respondent's Circular No. 1813129/FIN01-HR/212/2022-HR-IV dated 23-09-2022 to the extent of Paragraph No.6, pending disposal of WP 4837 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 Rambabu Koppineedi, Advocate for the Petitioner and of GP for Higher Education for Respondent No.1, GP for Finance for Respondent No.2, M/s. S. Parineetha, Advocate for Respondent No.3, Sri B. Vijaya Bhaskar, Standing Counsel for Respondent Nos.4 & 5, the Court made the following

ORDER:

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

Learned counsel for the petitioner would submit that in similar circumstances this Court granted an interim order in W.P.No.32283 of 2022, dated 02.01.2023, and requested to pass a similar order in the present writ petition also.

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

Therefore, there shall be an interim suspension of the operation of the Circular Memo No.1813129/FIN01-HR/212/2022-HR-IV, Government of Andhra Pradesh, Finance (HR.IV-FR&LR) Department, dated 23.09.2022, issued by the 2nd respondent and also proceedings No.E-1(2)/Age of Supern. 60 Years/2022, dated 16.06.2022, issued by the 5th respondent and the respondents are further directed to reinstate and continue the service of the petitioner till he attain the age of superannuation i.e., 62 years without any break and with all consequential attendant benefits including regular pay and allowances.

List the matter after four (04) weeks.

In the meanwhile, learned counsels for the respondents are directed to file counters."

//TRUE COPY//

Fo

Sd/- SK. MD. RAFI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Higher Education Department, State of Andhra Pradesh, Secretariat Buildings, Velagapudi, Thullur Mandal, Amaravathi, Guntur District.
2. The Principal Secretary, Finance Department, State of Andhra Pradesh, Secretariat Buildings, Velagapudi, Thullur Mandal, Amaravathi, Guntur District.
3. The Secretary, AP State Council of Higher Education (APSCHE), the 3rd 4th, 5th floors, Neeladri Towers, Sri Ram Nagar, 6th Battalion Road, Atmakur(V), Mangalagiri (M), Guntur-522 503, Andhra Pradesh.
4. The Chairman-cum- Vice-Chancellor, Executive Council, Sri Venkateswara University, SV University, Tirupati.
5. The Registrar, Sri Venkateswara University, Tirupati, Chittoor District **(1 to 5 by RPAD)**
6. One CC to Sri. Rambabu Koppineedi, Advocate [OPUC]
7. One CC to M/s. S. Parineetha, Advocate [OPUC]
8. One CC to Sri B. Vijaya Bhaskar, Standing Counsel [OPUC]
9. Two CCs to GP for Higher Education, High Court of Andhra Pradesh. [OUT]
10. Two CCs to GP for Finance, High Court of Andhra Pradesh. [OUT]
11. One spare copy.

MSB



HIGH COURT

NV,J

DATED:28/02/2023

ORDER

LIST THE MATTER AFTER FOUR (04) WEEKS

WP.No.4837 of 2023

INTERIM SUSPENSION

