



(SHOW CAUSE NOTICE BEFORE ADMISSION)

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

(Special Original Jurisdiction)

WEDNESDAY, THE TWELFTH DAY OF APRIL
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 8812 OF 2023

Between:

Vemulakona Chittaiah, S/o. Prakasa Rao, Age. 59 years, Occ. Foreman Gr-I, O/o. the Executive Engineer (SSandT), Dr.NTTPS, Ibrahimpatnam, Vijayawada, NTR District, Andhra Pradesh-521456.

Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Finance Department, Secretariat, Velagapudi, Guntur District, Andhra Pradesh.
2. The Principal Secretary, Government of Andhra Pradesh, Energy Department, Secretariat, Velagapudi, Guntur District, Andhra Pradesh.
3. The Principal Secretary, Government of Andhra Pradesh, General Administration Department, Secretariat, Velagapudi, Guntur District, Andhra Pradesh.
4. The AP TRANSCO, Rep. by its Chairman and Managing Director, Vidyut Soudha, Gunadala, Vijayawada, Andhra Pradesh - 520 004.
5. The AP GENCO, Rep. by its Chairman and Managing Director, Vidyut Soudha, Gunadala, Vijayawada, Andhra Pradesh-520 004.
6. The Director (HR), AP GENCO, Vidyut Soudha, Gunadala, Vijayawada, Andhra Pradesh-520 004.
7. The Dr. Narla Tata Rao Thermal Power Station, Rep. by its Chief Engineer (O&M), Ibrahimpatnam, Vijayawada, NTR District, Andhra Pradesh.

Respondents

WHEREAS the Petitioner above named through his Advocate SRI.PEETA RAMAN presented this 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, orders or directions particularly one in the nature of Writ of Mandamus

i. declaring the action of the 1st respondent in not extending the benefit of enhancement of the age of superannuation from 60 years to 62 years to the employees of 5th respondent just like that was done earlier while enhancing the age of superannuation from 58 years to 60 years, and also

ii. the action of the 5th respondent in not sending proposals to the respondents 1 to 3 seeking enhancement of the age of superannuation from 60 years to 62 years to the employees of the 5th respondent by choosing to amend the Regulation 16 (a) (1) and (2) of the APSEB Service Regulations Part-I just like that was done earlier while enhancing the age of superannuation from 58 years to 60 years. and further

iii. the action of the Superintending Engineer, O&M, CHP working under the administrative control of the 7th respondent in saying to retire the petitioner from service w.e.f., 31-05-2023 instead of choosing to continue in service till he completes 62 years just like that was done for government employees under the Andhra Pradesh Ordinance No.1 of 2022 (Ordinance-2022) as illegal, arbitrary, discriminative, unjust, colourable exercise of powers, opposed to the 'doctrine of legitimate expectation' besides violative of the Arts.14, 16 and 21 of the Constitution of India. and

iv. consequently, direct the 5th respondent to send proposals to the respondents 1 to 3 seeking permission to enable him to enhance the age of superannuation from 60 years to 62 years and also direct the respondents 1 to 5 to extend the benefit of enhancement of the age of superannuation from 60 years to 62 years to the employees of 5th respondent just like that was done earlier while enhancing the age of superannuation from 58 years to 60 years without reference to the fact that such proposals for enhancement of the age of superannuation are received from 5th respondent or not and also set aside the retirement of the petitioner w.e.f., 31-05-2023 enabling him to reinduct into service to continue in service till he completes 62 years.

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri.Peeta Raman Advocate for the Petitioner, learned Government Pleader for Finance & Planning for Respondent No.1, learned Government Pleader for Energy for Respondent No.2, learned Government Pleader for General Administration for Respondent No.3, Sri.Anup Koushik Karavadi, learned Standing Counsel for Respondent No.4 and Sri.M.Vidya Sagar, learned Standing Counsel for Respondent Nos.5 to 7, directed issue of notice to the Respondents herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. The Principal Secretary, Finance Department, State of Andhra Pradesh, Secretariat, Velagapudi, Guntur District, Andhra Pradesh.
2. The Principal Secretary, Government of Andhra Pradesh, Energy Department, Secretariat, Velagapudi, Guntur District, Andhra Pradesh.
3. The Principal Secretary, Government of Andhra Pradesh, General Administration Department, Secretariat, Velagapudi, Guntur District, Andhra Pradesh.
4. The Chairman and Managing Director, AP TRANSCO, Vidyut Soudha, Gunadala, Vijayawada, Andhra Pradesh - 520 004.
5. The Chairman and Managing Director, AP GENCO, Vidyut Soudha, Gunadala, Vijayawada, Andhra Pradesh-520 004.

6. The Director (HR), AP GENCO, Vidyut Soudha, Gunadala, Vijayawada, Andhra Pradesh-520 004.
7. The Chief Engineer (O&M), Dr. Narla Tata Rao Thermal Power Station, Ibrahimpatnam, Vijayawada, NTR District, Andhra Pradesh.

are be and hereby directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted on or before 05.05.2023, on which date the case stands posted for hearing.

THE COURT MADE THE FOLLOWING ORDER:

Notice before admission.

Learned Government Pleader appearing for the respondents seeks time for filing counter.

List the matter after four (04) weeks.

**Sd/- U. SRI DEVI
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Finance Department, State of Andhra Pradesh, Secretariat, Velagapudi, Guntur District, Andhra Pradesh.
2. The Principal Secretary, Government of Andhra Pradesh, Energy Department, Secretariat, Velagapudi, Guntur District, Andhra Pradesh.
3. The Principal Secretary, Government of Andhra Pradesh, General Administration Department, Secretariat, Velagapudi, Guntur District, Andhra Pradesh.
4. The Chairman and Managing Director, AP TRANSCO, Vidyut Soudha, Gunadala, Vijayawada, Andhra Pradesh - 520 004.
5. The Chairman and Managing Director, AP GENCO, Vidyut Soudha, Gunadala, Vijayawada, Andhra Pradesh-520 004.
6. The Director (HR), AP GENCO, Vidyut Soudha, Gunadala, Vijayawada, Andhra Pradesh-520 004.
7. The Chief Engineer (O&M), Dr. Narla Tata Rao Thermal Power Station, Ibrahimpatnam, Vijayawada, NTR District, Andhra Pradesh. (1 to 7 by RPAD- along with a copy of petition and affidavit)
8. One CC to SRI.PEETA RAMAN Advocate [OPUC]
9. Two CCs to GP FOR FINANCE & PLANNING, High Court Of Andhra Pradesh. [OUT]
10. Two CCs to GP FOR GENERAL ADMINISTRATION, High Court Of Andhra Pradesh. [OUT]
11. Two CCs to GP FOR ENERGY, High Court Of Andhra Pradesh. [OUT]
12. One CC to Sri.Anup Koushik Karavadi, Standing Counsel [OPUC]
13. One CC to Sri.M.Vidya Sagar, Standing Counsel [OPUC]
14. One spare copy

SRL

HIGH COURT

NVJ

DATED:12/04/2023

NOTE: LIST THE MATTER AFTER FOUR (04) WEEKS

NOTICE BEFORE ADMISSION

WP.No.8812 of 2023

