THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO.35064 OF 2022

ORDER:

1. This writ petition is filed under Article 226 of the Constitution of India, claiming the following relief:

> "To issue Writ of Mandamus declaring the action of the respondents herein in relieving the petitioners from duties at the age of 60 years Vide impugned the Govt Memo No 1813129/ FINo.1HR/212/2022HRIV dated 23.9.2022 and consequential proceedings dated 30.9.2022 as highly illegal arbitrary and contrary to the law and consequential the Honble court may pleased to set aside the impugned Govt Memo dated 23.9.2022 and consequential proc dated 30.9.2022 by declaring that the petitioners herein is also entitled to continue in service upto 62 years with all consequential benefits including arrears of salary

2. Heard learned counsel for the petitioners and learned counsel for the respondents.

3. When the matter is taken up for hearing, considering the submissions made by both the counsel, on 31.10.2022, this Court was pleased to pass an interim order, which reads as follows:

> "Notice before admission.
>
> Heard learned counsel for the petitioners and learned counsel for the respondents.
>
> In similar circumstances, this Court passed an order in W.P.No.33818 of 2022 dated 18.10.2022, directing the respondents therein to continue the petitioner therein till the age of superannuation of 62 years.
>
> As the petitioners have shown the *prima facie* case, there shall be interim suspension of the impugned Circular Memo No.1813129/FIN01-HR/212/2022-HR-V dated 23.09.2022 and consequential impugned proceedings dated 30.09.2022 issued by Respondent Nos.7 & 8 and the respondents are directed to continue the petitioners till the age of superannuation of 62 years, pending further orders in this writ petition"

4. Despite the above directions, the respondents neither continued the petitioners in service nor reinstated them after the interim orders of this Court. In these circumstances, the petitioners are entitled to salary in terms of the observations made by the Division Bench of this Court in W.A. No. 381 of 2020 and batch, dated 01.04.2021, particularly paragraph 44, which reads as follows:

> *"Before parting with the records, we would like to dwell upon another aspect, which cannot be brushed aside. Despite the interim orders passed by this Court allowing the petitioners to continue in service, in gross violation of such interim orders, they have been retired during the subsistence of the interim orders. The action of the University is condemnable and such*

action is antithesis to rule of law. The appellants have taken law into their own hands and such action is not expected, least of all from an academic institution. This Court cannot remain a mute spectator to such flagrant violation of orders of the Court. In the facts and circumstances of the case, as the petitioners were directed to be continued in service by the interim orders, we direct the appellants to pay salary and emoluments to the writ petitioners from the date when such pay and emoluments were stopped till the date of this judgment within a period of two .months from today."

5. The petitioners contend that, in similar cases, the Division Bench of this Court permitted payment of salaries based on the interim orders granted in favour of the petitioners.

6. Learned counsel for the respondents submitted that, soon after the interim orders were passed, the respondents filed a counter affidavit and a vacate stay petition. It is argued that the petitioners are full-time contingent employees and are not eligible for the benefits under G.O.Ms. No. 15 dated 31.10.2022. It was also submitted that the Division Bench had already dismissed writ petitions relating to the continuation of contingent employees. Therefore, according to the respondents, the petitioners are not entitled to continue in service.

7. After considering the submissions and perusing the orders and interim directions of this Court, it is evident that although interim orders were passed on 31.10.2022, the respondents did not reinstate the petitioners into service. In these circumstances, and taking into account the observations made by the Division Bench in paragraph 44 of Writ Appeal No. 381 of 2020 and connected cases, the respondents are directed to consider and release the petitioners salary from the date of the interim order until the date of retirement. This exercise shall be completed within three (3) months from the date of receipt of a copy of this order.

8. Accordingly, the writ petition is disposed of. No costs.

9. Consequently, miscellaneous petitions pending if any, shall also stand dismissed.

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JUSTICE VENKATESWARLU NIMMAGADDA

Date:23.06.2026

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