

(2011) 10 KAR CK 0054

In the Karnataka High Court

Case No : Writ Petition No. 39866 of 2011 (S-R)

Sri B.H. Rukmmagada Raju

APPELLANT

Vs

State of Karnataka

RESPONDENT

Date of Decision : 24-10-2011

Acts Referred:

Karnataka Cooperative Societies Rules, 1960 — Rule 18

Citation : (2011) 10 KAR CK 0054

Hon'ble Judges : A.N. Venugopala Gowda, J

Bench : Single Bench

Advocate : Hemanth Raj, for the Appellant; Raghavendra G. Gayatri, HCGP, for the Respondent

Final Decision : Allowed

Judgement

A.N. Venugopala Gowda

1. Sri Raghavendra R. Gayathri, learned HCGP is directed to accept notice on behalf of the respondents.
2. Though, the matter is listed for preliminary hearing, with the consent of the learned counsel appearing on both sides, writ petition is taken up for final disposal.
3. The petitioner is an employee of Bhadra Sahakara Sakkare Karkhane Niyamitha, Doddabathi-577566. Petitioner was notified on 3.12.2010 by the employer that, he will be completing 58 years on 31.12.2010 and he would be relieved from service. The petitioner has been relieved from service on 31.12.2010. This writ petition is to quash the notice dated 3.12.2010, as at Annexure - E.
4. In view of the amendment to Rule 18 of Karnataka Co-operative Societies Rules, 1960, the employees of the Co-operative Societies are entitled to continue in service till completion of age of 60 years, in view of the substitution of age of

superannuation with "60" in place of "58". The said aspect was made clear in a judgment dated 16.11.2009 passed in W.A.Nos.3801-3804/2009.

5. The petitioner has ceased to be in employment of Bhadra Sahakara Sakkare Karkhane Niyamitha, with effect from 1.1.2011. This writ petition was filed on 19.10.2011, to quash the notice at Annexure-E and to direct the respondent No.3 to consider a representation of the petitioner, as at Annexure-F.

6. In view of the judgment passed in W.A.Nos.3801-3804/2009 on 16.11.2009, the 3rd and 4th respondents are directed to re-instate the petitioner into service of the Society before 31.10.2011. The petitioner is not entitled to any back wages from 1.1.2011 till the date of filing of this writ petition i.e., 19.10.2011, in terms of the decision of the Full Bench dated 14.2.2011 passed in W.P.No. 13655/2009.

Writ petition stands allowed following an order dated 15.10.2011 passed in W.P.No.27148/2011, filed by another employee of the very same Society.

Learned HCGP is permitted to file his memo of appearance within four weeks from today.