

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

MONDAY, THE SIXTEENTH DAY OF FEBRUARY ✓
TWO THOUSAND AND TWENTY SIX ✓

:PRESENT: ✓



THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA ✓
WRIT PETITION NO: 4211 OF 2026 ✓

Between:

1. Avula Praveen, S/o. Avula Gunasekhar, Aged 36 years, Occ: Junior Assistant Cum Typist (through APCOS), O/o College of Fishery Science, Muthukur, SPSR Nellore District, Andhra Pradesh - 524344. ✓
2. Pottepalem Balakrishna, S/o Pottepalem Srinivasulu, Aged 31 years, Occ: Junior Assistant Cum Typist (through APCOS), O/o College of Fishery Science, Muthukur, SPSR Nellore District, Andhra Pradesh - 524344. ✓
3. Avadhanam Pavan Kumar, S/o Avadhanam Rama Prasad, Aged 48 years, Occ: Junior Assistant Cum Typist (through APCOS), O/o College of Fishery Science, Muthukur, SPSR Nellore District, Andhra Pradesh - 524344. ✓
4. Vatturi Parvathi, W/o Cheekatia Devanand, Aged 34 years, Occ: Junior Assistant Cum Typist (through APCOS), O/o Instructional cum Research Aqua Farm, Balabhadrapuram, Kakinada District, Andhra Pradesh - 533343. ✓

Petitioners

AND

1. Andhra Pradesh Fisheries University, Rep.by its Registrar/OSD Administrative Office, D.No. 7-776, 2nd Floor AABT Global Towers, Tadigadapa, Kanuru, Krishna Dist., Andhra Pradesh - 521 137 ✓
2. College of Fishery Science, Rep. by its Associate Dean Muthukur, SPSR Nellore Dist. Andhra Pradesh - 521102 ✓

3. Institutional cum Research Aqua Farm, Rep.by its Head Balabhadrapuram, Kakinada Dist. Andhra Pradesh - 533 343
4. The State of Andhra Pradesh, Rep.by its Principal Secretary Animal Husbandry, Dairy Development and Fisheries Department, A.P. Secretariat, Velagapudi, Amaravati, Guntur District 522 238

Respondents

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of a writ of mandamus declaring the action of the respondents in not considering the case of petitioners for payment of minimum of pay scale attached to the post of Junior Assistant-cum-Typists on par with regular employees in the category of Junior Assistant-cum-Typists and also in not paying Dearness Allowance is illegal, arbitrary, unjust, violative of Article 14 and 21 of the Constitution of India, contrary to the orders passed in WP No. 3780/1988 and batch vide order dated 24.10.1997 which attained finality in SLP (C) No. 020188 - 020190/1998 vide order dated 04.12.1998, contrary to the orders passed in WP No. 22770 of 2014 dated 03.07.2017 which was implemented by the 1st Respondent University vide Proc. No. 5774/Lab/2017 dated 10.01.2019 contrary to the orders passed in WA No. 736 of 2016 dated 06.12.2016 and WP No. 25434/2020 dated 16.04.2021, contrary to the judgement reported in State of Punjab and others Vs. Jagjit Singh and others (2017 (1) see 148) and also contrary to The Code on Social Security, 2020 (Act 36 of 2020) dated 28.09.2020 and consequently direct the respondents to pay the Minimum time scale i.e. Rs 25,220/- plus Dearness Allowance to the petitioners as Junior Assistant-cum-Typists on par with regular employees of Junior Assistant- cum-Typists with effect from their date of appointment.

IA NO: 1 OF 2026

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High

Court may be pleased to direct the respondents to pay minimum scale of pay i.e. Rs 25,220/- to the Writ petitioners attached to the post of Junior Assistant-cum-Typists as per the law laid down in State of Punjab and others Vs. Jagjit Singh and others reported in 2017 (1) SCC 148, Pending disposal of WP 4211 of 2026, 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 Ms Kavitha Gottipati, Advocate for the Petitioners, GP for Fisheries for Respondent Nos. 1 to 3 and of GP for Animal Husbandry for Respondent No.4 and the Court made the following.

ORDER

1. The present writ petition is filed by the petitioners seeking for extension of Minimum Time Scale (MTS) along with Dearness Allowance to them, who are working in the respondents-Department for periods ranging from nine years to seventeen years as Junior Assistant-cum-Typist.
2. The petitioners are working as employees in the said post on outsourcing basis for periods ranging from 09 years to 17 years, albeit on outsourcing basis against the sanctioned post.
3. Learned Assistant Government Pleader for the respondents would submit that the case of the petitioners would be examined and an appropriate decision will be taken in that regard.
4. Heard the learned counsel for the petitioners, learned Assistant Government Pleader and Sri Gudi Srinivasulu, learned Standing Counsel for the respondents.
5. In the present case, the petitioners are working in their respective sanctioned posts for periods ranging from 09 years to nearly 17 years and the length of their long service has to be considered as work in a

'deemed sanctioned post' as held by the Hon'ble Supreme Court in *Jaggo v. Union of India*¹.

6. In *State of Punjab vs. Jagjit Singh*², the Hon'ble Apex Court held that:

(a) An employee engaged for the same work cannot be paid less than another who performs the same duties and responsibilities, certainly not, in a welfare State; that such action is demeaning and strikes at the very foundation of human dignity;

(b) Anyone who is compelled to work at a lesser wage does not do so voluntarily and he does so only to provide food and shelter to his family, at the cost of his self respect and dignity, at the cost of his self worth, and at the cost of his integrity;

(c) Any act of paying less wages as compared to others similarly situate constitutes an act of exploitative enslavement, emerging out of a domineering position and that the said action is oppressive, suppressive and coercive, as it compels involuntary subjugation;

(d) With reference to the application of the principle of "equal pay for equal work", the sole factor that requires determination by the Court is, whether the employees before the Court were rendering similar duties and responsibilities as were being discharged by regular employees holding the same/corresponding posts.

7. In the light of the above, there shall be an interim direction to the respondents to extend Minimum Time Scale to the petitioners, attached to their respective posts forthwith, pending further orders.

8. The claim of the petitioners with regard to Dearness Allowance would be examined by the Court after filing of counter affidavit by the respondents.

¹ (2024) INSC 1034

² (2017) 1 SCC 148

9. For filing counter affidavit by respondents, list the matter after four (04) weeks.

10. Learned counsel for the petitioners is permitted to carry out necessary corrections in the cause title in respect of petitioner No.3.

Sd/-M.PRABHAKAR RAO

DEPUTY REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Registrar/OSD Administrative Office, Andhra Pradesh Fisheries University, D.No. 7-776, 2nd Floor AABT Global Towers, Tadigadapa, Kanuru, Krishna Dist., Andhra Pradesh - 521 137
2. The Associate Dean, College of Fishery Science, Muthukur, SPSR Nellore Dist. Andhra Pradesh - 521102
3. The Head, Institutional cum Research Aqua Farm, Balabhadrapuram, Kakinada Dist. Andhra Pradesh - 533 343
4. The Principal Secretary, Animal Husbandry, Dairy Development and Fisheries Department, State of Andhra Pradesh, A.P. Secretariat, Velagapudi, Amaravati, Guntur District 522 238(1 to 4 by RPAD)
5. One CC to SRI. KAVITHA GOTTIPATI Advocate [OPUC]
6. Two CCs to GP FOR FISHERIES, High Court Of Andhra Pradesh. [OUT]
7. Two CCs to ANIMAL HUSBANDRY, High Court of Andhra Pradesh [OUT]
8. One spare copy

ADP

HIGH COURT

NV,J

DATED:16/02/2026

LIST THE MATTER AFTER FOUR (04) WEEKS.

ORDER

WP.No.4211 of 2026

INTERIM DIRECTION

