



**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)
FRIDAY, THE TWELFTH DAY OF MAY TWO THOUSAND AND TWENTY THREE**

:PRESENT:

**THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA
WRIT PETITION NO: 3784 OF 2023**

Between:

1. K Vijayalakshmi, W/o Muneswararao, Aged 58 years, Occ: Contract Supervisor, Ulavapadu (Project), SPSR Nellore District.
2. V. Mary Helen, W/o Srinivasa Rao, Aged 58 years, Occ: Contract Supervisor, Kankipadu (Project), Krishna District.
3. K. Deva Sena, W/o Sridhar, Aged 58 years, Occ: Contract Supervisor, Maddipadu (Project), Bapatla District.
4. K. Balamani, W/o Subramanyam, Aged 58 years, Occ: Contract Supervisor, Koyyuru (Project), Visakhapatnam District.
5. V. Ravanamma, D/o Kurmaiah, Aged 58 years, Occ: Contract Supervisor, Krupam (Project), Parvathipuram (Manyam) District.
6. B. Sathyavathi, W/o Ramakrishna, Aged 58 years, Occ: Contract Supervisor, Narsipatnam (Project), Visakhapatnam District.

Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principal secretary Women Principal Secretary, Development and Child Welfare Department, Velagapudi, Amaravathi, Guntur District.
2. The Director of Women and Child Welfare, Department Women Development and Child Welfare, Government of Andhra Pradesh, Jampani Towers, Guntur, Guntur District.
3. The Joint Director of Women and Child Welfare, Department Women Development 86 Child Welfare, Government of Andhra Pradesh, Jampani Towers, Guntur, Guntur District.
4. The Regional Joint Director, Department Women Development & Child Welfare, Nellore Region, SPSR Nellore District.
5. The Regional Joint Director, Department Women Development & Child Welfare, Krishna Region, Krishna District.
6. The Regional Joint Director, Department Women Development & Child Welfare, Guntur Region, Guntur District.
7. The Regional Joint Director, Department Women Development & Child Welfare, Visakhapatnam Region, Visakhapatnam District.

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 declare that the contract employees/ petitioners would fall under the definition of Government Employee and are governed under Act 23 of 1984 as amended from time to time and thereby the petitioners are entitled to continue in service till attaining the age of 62 years on par with regular Government Employees, which is in tune with the language, spirit and object of Act 23 of 1984 and consequently direct the respondents to continue the petitioners till they attain the age of 62 years on par with regular employees under Act 23 of 1984 with all consequential benefits and

attendant benefits or in alternate to direct the respondents to continue the petitioners upto the age of 60 years on par with others/ Part Time Junior Lecturers working in Government Junior Colleges, who are similarly placed like the petitioners by holding the action of the respondents in not doing so and contemplating to retire the petitioners from service by not extending the further contract, solely on the ground that the petitioners attained 58 years of age as meted out to the colleagues of the petitioners as bad, irrational, illegal, unfair, arbitrary, discriminatory, contrary to the spirit and object of Act 28 of 1984 as amended from time to time, unconstitutional by issuance of Writ of Mandamus or issue any Writ, Order or Direction.

IA NO: 1 OF 2023:

Petition under Section 151 of 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 continue the petitioners beyond attaining the age of 58 years, Pending disposal of WP 3784 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 J SUDHEER Advocate for the Petitioners and of GP FOR SERVICES IV for the Respondents, the Court made the following

ORDER:

"Heard both sides.

Respondents are directed to continue the services of the petitioner without reference to the age of 58 years.

For filing Counter Affidavit, post the matter after Summer Vacation, 2023."

**Sd/- M. SRINIVAS
ASSISTANT REGISTRAR**

SECTION OFFICER

//TRUE COPY//

To,

1. The State of Andhra Pradesh, Rep. by its plr secretary Women Principal Secretary, Development and Child Welfare Department, Velagapudi, Amaravathi, Guntur District.
2. The Director of Women and Child Welfare, Department Women Development and Child Welfare, Government of Andhra Pradesh, Jampani Towers, Guntur, Guntur District.
3. The Joint Director of Women and Child Welfare, Department Women Development 86 Child Welfare, Government of Andhra Pradesh, Jampani Towers, Guntur, Guntur District.
4. The Regional Joint Director, Department Women Development & Child Welfare, Nellore Region, SPSR Nellore District.

5. The Regional Joint Director, Department Women Development & Child Welfare, Krishna Region, Krishna District.
 6. The Regional Joint Director, Department Women Development & Child Welfare, Guntur Region, Guntur District.
 7. The Regional Joint Director, Department Women Development & Child Welfare, Visakhapatnam Region, Visakhapatnam District. **(Addresses 1 to 7 by RPAD)**
 8. One CC to SRI. J SUDHEER Advocate [OPUC]
 9. Two CCs to GP FOR SERVICES VI, High Court Of Andhra Pradesh. [OUT]
 10. **One spare copy**
- ER

HIGH COURT

NVJ

DATED:12/05/2023

POST THE MATTER AFTER SUMMER VACATION, 2023

ORDER

WP.No.3784 of 2023

DIRECTION

