

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 6354 of 2016

Kanhaiya Yadav, S/o Shri Johan Yadav, aged about 45 years, R/o House No.60/1, Bharda, Tahsil Dondilohara, District Balod (CG).

---- Petitioner

Versus

1. Union Of India Through : Secretary, Ministry Of Human Resources Development, Department Of School Education And Literacy, Mid Day Meal Division, Shastri Bhawan, New Delhi.
2. State Of Chhattisgarh, Through : Secretary, Department Of Education, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur (Chhattisgarh)
3. Directorate, School Education, Through : The Director, School Education, Shiksha Parisar, Pension Bada, Raipur, District Raipur (Chhattisgarh)
4. Block Education Officer, Dondilohara, District Balod (Chhattisgarh)
5. Government Middle School, Bhadra (Lo), Through : The Head Master, Government Primary School, Bhadra (Lo), Block Dondilohara District Balod (Chhattisgarh)
6. State Of Chhattisgarh, Through : Secretary, Department Of Finance, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur (Chhattisgarh)

---- Respondents

For Petitioner	:	Mr.Sourabh Sharma, Advocate
For Respondent No.1	:	Mr.Ashwani Shukla, ASG
For Res.No.2 to 6	:	Ms. Astha Shukla, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

22/11/2016

1. Learned counsel for the petitioner would submit that the petitioner is working on the post of Cook in the Government Primary School, Dondilohara and he is being paid only Rs.1200/- per month i.e.

Rs.40/- per day, whereas according to the notification Annexure P/2, minimum wages prescribed by the Chhattisgarh Minimum Wage, he is entitled for Rs.255/- per day as he is skilled labour. He would rely upon the judgment of the Supreme Court in the matter of **State of Punjab & Ors. Vs. Jagjit Singh & Ors.**, decided on 26th October, 2016, in which the Supreme Court has held that the principle of equal pay for equal work will also applicable to all the temporary employees and has been held as under:-

“54. There is no room for any doubt, that the principle of ‘equal pay for equal work’ has emerged from an interpretation of different provisions of the Constitution. The principle has been expounded through a large number of judgments rendered by this Court, and constitutes law declared by this Court. The same is binding on all the courts in India, under Article 141 of the Constitution of India. The parameters of the principle, have been summarized by us in paragraph 42 hereinabove. The principle of ‘equal pay for equal work’ has also been extended to temporary employees (differently described as work-charge, daily-wage, casual, ad-hoc, contractual, and the like). The legal position, relating to temporary employees, has been summarized by us, in paragraph 44 hereinabove. The above legal position which has been repeatedly declared, is being reiterated by us, yet again”

2. In view of above, respondent No.2 is directed to consider the representation of the petitioner in the light of aforesaid judgment of the Supreme Court within 30 days from the date of receipt of certified copy of this order and to pass a reasoned order in accordance with law on its own merit. The petitioner is at liberty to make an additional representation, if any.

3. With the aforesaid direction, the writ petition stands finally disposed of.

Sd/-

(Sanjay K. Agrawal)
JUDGE

L/-