

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 6841 of 2016**

1. Dashrath Lal Nirmalkar S/o Shri Geetam Lal, Aged About 41 Years R/o Village Andi, Block Dondi Lohara, District Balod Chhattisgarh
2. Smt. Mithilesh Bai Ravte, W/o Shri Amar Lal, Aged About 50 Years R/o Village Andi Block Dondi Lohara, District Balod Chhattisgarh

---- Petitioners**Versus**

1. Union Of India Through The 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 Baba Raipur District Raipur Chhattisgarh
4. Block Education Officer, Dondi Lohara, District Balod Chhattisgarh
5. Government Middle School, Andi, Through The Head Master, Government Middle School, Andi, Block Dondi Lohara, District Balod Chhattisgarh
6. State Of Chhattisgarh, Through Secretary, Department Of Finance, Mahanadi Bhawan, Mantralaya Naya Raipur District Raipur Chhattisgarh

---- Respondents

For Petitioners	:	Shri Sourabh Sharma, Advocate
For Respondent 1	:	Shri Ashwani Shukla, Shri R.K. Gupta and Ms. Purnima Singh, Central Govt. Counsel
For Respondents 2 to 7	:	Shri Dhiraj Wankhede, GA and Shri Ramakant Pandey, PL on advance copy

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****19/12/2016**

1. Learned counsel for the petitioners would submit that the petitioners are working on the post of Cook in the Government Middle School, Andi and they are 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, they are entitled for Rs.255/- per day as they are skilled labours. 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 petitioners 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 petitioners are at liberty to make an additional representation, if any.

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

Sd/-

(Chandra Bhushan Bajpai)
Judge