

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****WPS No. 6966 of 2016**

1. Kameshwar Ram, S/o Ramlal Ram, aged about 38 years, working as Cook, presently posted on Middle School Matasi, Tahsil+Block-Kunkuri, Distt-Jashpur (CG)
2. Smt. Nirawati Singh, W/o Shivshankar Singh, aged about 37 years, working as Cook, presently posted on Girls Primary School Sendrimunda, Tahsil+block-Kunkuri, Distt.Jashpur (CG)
3. Hirudis Lakra, S/o Simon Lakra, aged about 36 years, working as Cook, presently posted on Primary School Matasi, Tahsil+Block-Kunkuri, Distt-Jashpur (CG)
4. Smt. Subhadra Singh W/o Mahavir Singh, aged about 40 years, working as Cook, presently posted on Girls Primary School Sendrimunda, Tahsil+block-Kunkuri, Distt.Jashpur (CG)
5. Smt. Pushpa Kujur, W/o Ajay Kumar Kujur, aged about 41 years, working as Cook, presently posted on Middle School Matasi, Tahsil+Block-Kunkuri, Distt-Jashpur (CG)
6. Smt. Kuntala Singh, W/o Maheshwar Singh, aged about 41 years, working as Cook, presently posted on Middle School Sendrimunda, Tahsil+Block-Kunkuri, Distt.Jashpur (CG)
7. Smt. Balpati Bai, W/o Phalit Ram, aged about 37 years, working as Cook, presently posted on Middle School Sendrimunda, Tahsil+block-Kunkuri, Distt.Jashpur (CG)
8. Smt. Padmavati Bai, W/o Shankar Singh, aged about 36 years, working as Cook, presently posted on Girls Primary School Sendrimunda, Tahsil+Block-Kunkuri, Distt.Jashpur (CG)
9. Smt. Asunta Lakra, W/o Suleman Lakra, aged about 38 years, working as Cook, presently posted on Primary School Dipatoli, Tahsil+Block-Kunkuri, Distt-Jashpur (CG)

---- Petitioners

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, New Mantralaya, Mahanadi Bhawan, New Raipur (CG)
3. Directorate, School Education, Through : The Director, School Education, Shiksha Parisar, Pension Bada, Raipur, District Raipur (CG)
4. The Collector, Jashpur, Distt.-Jashpur (CG)
5. District Education Officer, Jashpur, District Jashpur (CG)
6. Block Education Officer, Kunkuri, District Jashpur

---- Respondents

 For Petitioners : Mr.Manoj Chouhan, Advocate
 For Respondent No.1 : Mr.R.K. Kesharwani, Advocate
 For Res.No.2 to 6/State : Mrs Ashtha Shukla, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order on Board

22/12/2016

1. Learned counsel for the petitioners would submit that the petitioners are working on the post of Cook in the Government Schools and they are being paid only ₹ 1200/- each per month i.e. ₹ 40/- per day, whereas according to the notification Annexure P/2, minimum wages prescribed by the Chhattisgarh Minimum Wage, they are entitled for ₹ 255/- per day as they are 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 representations 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 disposed off.

Sd/-

(Manindra Mohan Shrivastava)
Judge

B/-