

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No.6871 of 2016

- Panch Ram S/o Shri Mehttar Ram, Aged About 40 Years R/o Village Sohtara, Block Gurur, Distirct Balod Chhattisgarh

---- 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. Director, School Education, Through The Director, School Education, Shiksha Parisar, Pension Bada, Raipur, Distirct Raipur Chhattisgarh
4. Block Education Officer, Gurur, Distirct Balod Chhattisgarh
5. Government Primary School, Sohtara Through The Head Master Government Primary School, Sohtara, Block Gurur, Distirct Balod Chhattisgarh
6. State Of Chhattisgarh Through Secretary, Department Of Finance, Mahanadi Bhawan, Mantralaya, Naya Raipur, Distirct Raipur Chhattisgarh

---- Respondent

And

WPS No.6906 Of 2016

1. Smt. Sonbati W/o Shri Koushik Ram, Aged About 40 Years R/o Village Kamraud, Block Gunderdehi, District Balod Chhattisgarh
2. Smt. Shakun Bai Chandrakar, W/o Shri Krishna Chandrakar, Aged About 50 Years R/o Village Kamraud, Block Gunderdehi, Distirct Balod Chhattisgarh

---- Petitioner

Vs

1. Union Of India Through Secretary, Ministry Of Human Resources Development Department Of School Educaiton And Literacy Mid Day Meal Division, Shastri Bhawan, New Delhi
2. State Of Chhattisgarh Through Secretary, Department Of Educatio Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur Chhattisgarh

3. Directorate, School Eduaiton, Through The Director School Education Shiksha Parisar, Pension Bada, Raipur, District Raipur Chhattisgarh
4. Block Educaiton Officer, Gunderdehi, District Balod Chhattisgarh
5. Government Primary School, Kamraud, Through The Hed Master, Government Primary School, Kamraud, Block Gunderdehi, Distirct Balod, Chhattisgarh
6. State Of Chhattisgarh Through Secretary, Department Of Finance Mahanadi Bhawan, Mantralaya Naya Raipur, District Raipur Chhattisgarh

---- Respondents

And

WPS No.6895 Of 2016

1. Smt. Lata Bai Sahu W/o Shri Ram Gulal Sahu, Aged About 59 Years R/o Village Satmara, Block Gunderdehi, District Balod (Chhattisgarh)
2. Smt. Ramkali, W/o. Shri Amrit Kumar, Aged About 23 Years R/o Village Satmara, Block Gunderdehi, District Balod (Chhattisgarh)

---- Petitioner

Vs

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, Gunderdehi, District Balod (Chhattisgarh).
5. Government Primary School, Satmara, Through : The Head Master, Government Primary School, Satmara, Block Gunderdehi District Balod (Chhattisgarh)
6. State Of Chhattisgarh, Through : Secretary, Department Of Finance, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur (Chhattisgarh)

---- Respondent

And

WPS No.6901 Of 2016

1. Panchram Deshmukh W/o Shri Sonsingh, Aged About 45 Years R/o

Village Daniya Block Gunderdehi, District Balod Chhattisgarh

2. Ramshila W/o Shri Santsoh Kumar, Aged About 36 Years R/o Village Daniya, Block Gunderdehi, Distirct Balod Chhattisgarh

---- **Petitioner**

Vs

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 Bada, Raipur, District Raipur (Chhattisgarh)
4. Block Education Officer, Gunderdehi, District Balod (Chhattisgarh).
5. Government Primary School, Daniya, Through : The Head Master, Government Primary School, Daniya, Block Gunderdehi, District Balod (Chhattisgarh)
6. State Of Chhattisgarh, Through : Secretary, Department Of Finance, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur (Chhattisgarh)

---- **Respondent**

And

WPS No.6893 Of 2016

1. Smt. Neeta Bai Sahu W/o Shri Chumman Lal, Aged About 40 Years R/o Village Parsada Mokha, Block Gunderdehi, District Balod Chhattisgarh
2. Rina Bai Sahu, W/o Shri Vijay Kumar, Aged About 30 Years R/o Village Parsada, Mokha, Block Gunderdehi, District Balod Chhattisgarh

---- **Petitioner**

Vs

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 Bada, Raipur, District Raipur (Chhattisgarh)

4. Block Education Officer, Gunderdehi, District Balod (Chhattisgarh).
5. Government Primary School, Parsada (Mokha), Through : The Head Master, Government Primary School, Parsada (Mokha) Block Gunderdehi, District Balod (Chhattisgarh)
6. State Of Chhattisgarh, Through : Secretary, Department Of Finance, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur (Chhattisgarh)

---- Respondent

And

WPS No.6898 Of 2016

1. Smt. Ganesiya Bai Sahu W/o Shri Pook Lal, Aged About 35 Years R/o Village Sibdi, Block Gunderdehi, District Balod (Chhattisgarh)
2. Smt. Bharti Thakur, W/o. Shri Bhupendra Kumar, Aged About 21 Years R/o Village Sibdi, Block Gunderdehi, District Balod (Chhattisgarh)

---- Petitioner

Vs

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, Gunderdehi, District Balod (Chhattisgarh).
5. Government Primary School, Sibdi, Through : The Head Master, Government Primary School, Sibdi, Block Gunderdehi District Balod (Chhattisgarh)
6. State Of Chhattisgarh, Through : Secretary, Department Of Finance, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur (Chhattisgarh)

---- Respondent

And

WPS No.6908 Of 2016

- Dhannu Ram Kashyap S/o Shri Ramprasad, Aged About 62 Years R/o Village Ruda, Block Gunderdehi, District Balod (Chhattisgarh)

---- Petitioner

Vs

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, Gunderdehi, District Balod (Chhattisgarh).
5. Government Primary School, Chandanbirhi, Through : The Head Master, Government Primary School, Chandanbirhi, Block Gunderdehi District Balod (Chhattisgarh)
6. State Of Chhattisgarh, Through : Secretary, Department Of Finance, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur (Chhattisgarh)

---- Respondent

And

WPS No.6886 Of 2016

1. Pramod Kumar Yadav S/o Shri Somnath, Aged About 31 Years R/o Village Payla, Block Gunderdehi, Distirct Balod Chhattisgarh
2. Smt. Ashwani Bai W/o Shri Mohan Lal, Aged About 30 Years R/o Village Payla Block Gunderdehi, District Balod Chhattisgarh

---- Petitioner

Vs

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 Bada, Raipur, District Raipur (Chhattisgarh)
4. Block Education Officer, Gunderdehi, District Balod (Chhattisgarh).
5. Government Primary School, Payla, Through : The Head Master, Government Primary School, Payla Block Gunderdehi, District Balod

(Chhattisgarh)

6. State Of Chhattisgarh, Through : Secretary, Department Of Finance, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur (Chhattisgarh)

---- Respondent

And

WPS No.6904 Of 2016

1. Smt. Javita Bai Sahu W/o Shri Khomlal Sahu, Aged About 34 Years R/o Village Siyanmara, Block Gunderdehi, Distirct Balod Chhattisgarh
2. Smt. Seema Bai Sahu, W/o Shri Ramkrishn Sahu, Aged About 36 Years R/o Village Siyanmara, Block Gunderdehi, Distirct Balod Chhattisgarh

---- Petitioner

Vs

1. Union Of India S/o Through Secretary, Ministry Of Human Resoures Development, Department Of School Education And Literacy, Mid Day Meal Division Shastri Bhawan, New Delhi,
2. State Of Chhattisgarh Through Secretary, Department Of Educatio Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur Chhattisgarh
3. Directorate, School Eduaiton, Through The Director School Education Shiksha Parisar, Pension Bada, Raipur, District Raipur Chhattisgarh
4. Block Educaiton Officer, Gunderdehi, District Balod Chhattisgarh
5. Government Middle School, Siyanmara, Through The Hed Master, Government Middle School, Siyanmara, Block Gunderdehi, Distirct Balod, Chhattisgarh
6. State Of Chhattisgarh Through Secretary, Department Of Finance Mahanadi Bhawan, Mantralaya Naya Raipur, District Raipur Chhattisgarh

---- Respondents

And

WPS No.6884 Of 2016

1. Smt. Mamta Yadav W/o Shri Bhagwani Ram, Aged About 48 Years R/o Village Pinkapar, Block Gunderdehi, District Balod (Chhattisgarh).
2. Smt. Geeta Bai W/o Shri Deen Dayal, Aged About 30 Years R/o Village Pinkapar, Block Gunderdehi, District Balod (Chhattisgarh).

---- Petitioners

Vs

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, Gunderdehi, District Balod, (Chhattisgarh)
5. Government Primary School, Pinkapar, Through The Head Master, Government Primary School, Pinkapar, Block Gunderdehi, District Balod (Chhattisgarh).
6. State Of Chhattisgarh, Through: Secretary, Department Of Finance, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh

---- Respondent

And

WPS No.6915 Of 2016

1. Shiv Prasad S/o Shri Kartik, Aged About 45 Years R/o Village Bhothipar, Block Gunderdehi, District Balod (Chhattisgarh)
2. Smt. Dali Goswami, W/o Shri Hisu Ram, Aged About 36 Years R/o Village Bhothipar, Block Gunderdehi, District Balod (Chhattisgarh)

---- Petitioner

Vs

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, Gunderdehi, District Balod (Chhattisgarh).
5. Government Primary School, Bhothipar, Through : The Head Master, Government Primary School, Bhothipar, Block Gunderdehi 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 No.1/UOI	:	Shri R.K. Kesharwani, Advocate
For Respondent/State	:	Shri R. K. Gupta, Dy.AG

S.B. : Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

20/12/2016

Learned counsel for the respective petitioner in all the aforesaid petitions would submit that the petitioner/s is working on the post of Cook in the government school 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 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 respective petitioner would be at liberty to make an additional representation, if any.

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

SD/-
(**Manindra Mohan Shrivastava**)
JUDGE