

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No.6957 of 2016

- Jiwan Lal Nagvanshi S/o Shri Vishram Singh Nagvanshi, Aged About 40 Years
R/o Village Nawagaon, Block Gurur, District 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. Directorate, School Education, Through : The Director, School Education,
Shiksha Parisar, Pension Bada, Raipur, District Raipur (Chhattisgarh)
4. Block Education Officer, Gurur, District Balod (Chhattisgarh).
5. Government Primary School, Nawagan, Through : The Head Master,
Government Primary School, Nawagao, Block Gurur, District Balod
(Chhattisgarh)
6. State Of Chhattisgarh, Through : Secretary, Department Of Finance, Mahanadi
Bhawan, Mantralaya, Naya Raipur, District Raipur (Chhattisgarh)

---- Respondent

And

WPS No. 6960 Of 2016

- Smt. Kumari Bai Kothawar W/o Shri Ganesh Ram, Aged About 59 Years R/o
Village Arjuni, Block Gurur, 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, Gurur, District Balod (Chhattisgarh).
5. Government Primary School, Arjuni, Through : The Head Master, Government
Primary School, Arjuni Block Gurur, District Balod (Chhattisgarh)

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

---- Respondent

And

WPS No. 6958 Of 2016

1. Smt. Indumati W/o Shri Vimal, Aged About 38 Years Working As Cook, Presently Posted On Primary School Sarafkombo (Basti), Tahsil + Block Bagicha, Distt. Jashpur (Chhattisgarh)
2. Lalmohan Ram, S/o Lati Ram, Aged About 37 Years Working As Cook, Presently Posted On Primary School Navapara, Tahsil + Block Bagicha, Distt. Jashpur (Chhattisgarh)
3. Dilan Ram, W/o Kandra Ram, Aged About 37 Years Working As Cook, Presently Posted On Middle School Kaliya, Tahsil + Block Bagicha, Distt. Jashpur (Chhattisgarh)
4. Ku. Indravati, D/o Jagmohan Ram, Aged About 35 Years Working As Cook, Presently Posted On Primary School Khursagada, Tahsil + Block Bagicha, Distt. Jashpur (Chhattisgarh)
5. Kamal Sai Painkra, S/o Balram Singh, Aged About 28 Years Working As Cook, Presently Posted On Shri Rameshwar Sanskrit Middle School Samarbar, Tahsil + Block Bagicha, Distt. Jashpur (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 : The Secretary, Department Of Education, New Mantralay, Mahanadi Bhawan, New Raipur (Chhattisgarh)
3. Directorate, School Education, Through : The Director, School Education, Shiksha Parisar, Pension Bada, Raipur, District Raipur (Chhattisgarh)
4. The Collector, Jashpur, District Jashpur (Chhattisgarh)
5. District Education Officer, Jashpur, District Jashpur (Chhattisgarh)
6. Block Education Officer, Bagicha, District Jashpur (Chhattisgarh)

---- Respondent

And

WPS No. 6961 Of 2016

1. Smt. Champa Bai D/o Makund Ram Aged About 40 Years Working As Cook, Presently Posted On Primary School Patratoli, Tahsil + Block- Bagicha, District- Jashpur, Chhattisgarh
2. Tilak Ram S/o Gajadhar Ram Aged About 42 Years Working As Cook,

Presently Posted On Middle School Kudmura, Tahsil + Block- Bagicha, District Jashpur, Chhattisgarh

3. Biju Ram S/o Surjan Ram Aged About 42 Years Working As Cook, Presently Posted On Middle School Champa, Tahsil + Block- B District Jashpur, Chhattisgarh
4. Dharam Sai S/o Hais Ram Aged About 42 Years Working As Cook, Presently Posted On Primary School Upersekra, Tahsil + Block Bagicha, District- Jashpur, Chhattisgarh
5. Otgan Ram S/o Juthan Ram Aged About 39 Years Working As Cook, Presently Posted On Primary School Betra, Tahsil + Block- Bagicha, District- Jashpur, Chhattisgarh
6. Vishnu Ram S/o Chatur Ram Aged About 40 Years Working As Cook, Presently Posted On Middle School Bachhrao, Tahsil + Block- Bagicha, District- Jashpur, Chhattisgarh
7. Rupan Ram S/o Gopal Ram Aged About 36 Years Working As Cook, Presently Posted On Primary School Maina, Tahsil + Block- Bagicha, District- Jashpur, Chhattisgarh

---- Petitioner

Vs

1. Union Of India 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: The Secretary, Department Of Education, New Mantralay, Mahanadi Bhawan, New Raipur, Chhattisgarh
3. Directorate, School Education, Through: The Director, School Education, Shiksha Parisar, Pension Bada Raipur, District Raipur, Chhattisgarh
4. The Collector, Jashpur, District- Jashpur, Chhattisgarh
5. District Education Officer, Jashpur, District- Jashpur, Chhattisgarh
6. Block Education Officer, Bagicha, District- Jashpur, Chhattisgarh

---- Respondent

For respective Petitioner	:	Shri Sourabh Sharma and Shri Somkant Verma, Advocates
For Respondent/UOI	:	Ms. Purnima Singh, Advocate
For Respondent/State	:	Shri Dhiraj Wankhede, GA

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

Order On Board

22/12/2016

Learned counsel for the respective petitioner in all the aforestated 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 petitions stand finally disposed of.

Sd/-
(Manindra Mohan Shrivastava)

JUDGE