

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 6850 of 2016**

- Roop Lal Patel S/o Shri Asha Ram Patel Aged About 50 Years Working As Cook On Govt. Primary School Sendripali, Tah. & Block-Kharsia, District- Raigarh, (Chhattisgarh).

---- Petitioner

Versus

1. Union Of India Through: The Secretary, Ministry Of Human Resource 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. Director, Directorate Of School Education, Shiksha Parisar, Pension, Bada Raipur, District Raipur, (Chhattisgarh).
4. The Collector, Raigarh, District Raigarh, (Chhattisgarh).
5. District Education Officer, Raigarh, District Raigarh, (Chhattisgarh).
6. Block Education Officer, Kharsia, District Raigarh, (Chhattisgarh).

---- Respondents

For Petitioner	:	Shri Jeet Patel, Advocate
For Respondent 1	:	Shri Ashwani Shukla, Central Govt. Counsel
For Respondents 2 to 6	:	Shri Prasoon Bhaduri, Govt. Advocate 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 petitioner would submit that the petitioner is working on the post of Cook in the Government Primary School, Sendripali 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 be 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/-

(Chandra Bhushan Bajpai)
Judge