

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 6862 of 2016**

1. Prabhunath Ram S/o Bifna Ram Aged About 38 Years Working As Cook, Presently Posted On Primary School Tilha Khor, Tahsil+block Kushmi, Distt- Balrampur, (Chhattisgarh).
2. Bandhan Ram S/o Gagraha Ram Aged About 40 Years Working As Cook, Presently Posted On Primary School Kantasaru, Tahsil+ Block-Kushmi, Distt- Balrampur, (Chhattisgarh).
3. Nanku Ram, S/o Khabdu Ram Aged About 41 Years Working As Cook, Presently Posted On Primary School Tilha Khor, Tahsil + Block-Kushmi, Distt- Balrampur, (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: 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, Balrampur Distt- Balrampur, (Chhattisgarh).
5. District Education Officer, Balrampur, Distt. Balrampur (Chhattisgarh).
6. Block Education Officer, Kushmi, Distt. Balrampur, (Chhattisgarh).

---- Respondents

For Petitioners : Mr. Pawan Shrivastava, Adv.

For Respondent No. 2 to 6: Mr. Ramakant Pandey and Mr. Avinash Singh, PL

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

1. Mr. Pawan Shrivastava, Adv. under the authority of Mr. Somkant Verma, Adv. for petitioners.
2. Mr. Bhupendra Singh, Central Govt. counsel for R-1.
3. Mr. Ramakant Pandey, PL for State/R-2 to 6 on advance copy.
4. Heard. Issue notice.
5. Learned counsel for State accepts notice on behalf of the respondents. Hence the petitioners are not required to pay separate PF for them.

6. Learned counsel for the petitioners would submit that the petitioners are working on the post of Cook in the Government Primary 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 and ors. -v- Jagjit Singh and 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.”

7. 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.
8. With the aforesaid direction, the writ petition stands finally disposed of.

Sd/-
(Chandra Bhushan Bajpai)
Judge