

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No.7009 of 2016

1. Smt. Geeta Bai Verma, W/o Shri Kunjlal, aged about 50 years,
2. Smt. Sukhma, W/o Govinda, aged about 62 years,
3. Smt. Saroj Verma, W/o Shiv Verma, aged about 40 years,

All are R/o Village Parsada (Ghont), Block Abhanpur, Distt. Raipur  
(C.G.)

---- 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, Mahanadi Bhawan, Mantralaya, Naya Raipur, Distt. Raipur (C.G.)
3. Directorate, School Education, Through the Director, School Education, Shiksha Parisar, Pension Bada, Raipur, Distt. Raipur (C.G.)
4. Block Education Officer, Abhanpur, Distt. Raipur (C.G.)
5. Government Primary School, Parsada (Ghont), Through the Head Master, Government Primary School, Parsada (Ghont), Block Abhanpur, Distt. Raipur (C.G.)
6. State of Chhattisgarh, Through Secretary, Department of Finance, Mahanadi Bhawan, Mantralaya, Naya Raipur, Distt. Raipur (C.G.)

---- Respondents

Writ Petition (S) No.7013 of 2016

1. Smt. Keja Bai Nishad, W/o Shri Paltu, aged about 43 years,
2. Smt. Radha Bai Sahu, W/o Mahendra, aged about 46 years,

Both are R/o Village Champajhar, Block Abhanpur, Distt. Raipur  
(C.G.)

---- 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, Mahanadi Bhawan, Mantralaya, Naya Raipur, Distt. Raipur (C.G.)
3. Directorate, School Education, Through the Director, School Education, Shiksha Parisar, Pension Bada, Raipur, Distt. Raipur (C.G.)
4. Block Education Officer, Abhanpur, Distt. Raipur (C.G.)
5. Government Primary School, Champajhar, Through the Head Master, Government Primary School, Champajhar, Block Abhanpur, Distt. Raipur (C.G.)
6. State of Chhattisgarh, Through Secretary, Department of Finance, Mahanadi Bhawan, Mantralaya, Naya Raipur, Distt. Raipur (C.G.)

---- Respondents

Writ Petition (S) No.7016 of 2016

1. Gunvant Parve, S/o Late Meghnath Parve, aged about 46 years,
2. Smt. Sahodra Bai Sahu, D/o Hem Singh Sahu, aged about 35 years,

Both are R/o Village Dharampura, Block Dhamdha, Distt. Durg (C.G.)

---- 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, Mahanadi Bhawan, Mantralaya, Naya Raipur, Distt. Raipur (C.G.)
3. Directorate, School Education, Through the Director, School Education, Shiksha Parisar, Pension Bada, Raipur, Distt. Raipur (C.G.)
4. Block Education Officer, Dhamdha, Distt. Durg (C.G.)
5. Government Primary School, Dharampura, Through the Head Master, Government Primary School, Dharampura, Block Dhamdha, Distt. Durg (C.G.)

6. State of Chhattisgarh, Through Secretary, Department of Finance,  
Mahanadi Bhawan, Mantralaya, Naya Raipur, Distt. Raipur (C.G.)  
---- Respondents

Writ Petition (S) No.7019 of 2016

1. Dayaram Verma, S/o Late Gwal Verma, aged about 52 years,  
2. Yashoda, W/o Pratap Yadav, aged about 32 years,

Both are R/o Village Rounda, Block Dhamdha, Distt. Durg (C.G.)  
---- 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, Mahanadi Bhawan, Mantralaya, Naya Raipur, Distt.  
Raipur (C.G.)  
3. Directorate, School Education, Through the Director, School  
Education, Shiksha Parisar, Pension Bada, Raipur, Distt. Raipur  
(C.G.)  
4. Block Education Officer, Dhamdha, Distt. Durg (C.G.)  
5. Government Primary School, Rounda, Through the Head Master,  
Government Primary School, Rounda, Block Dhamdha, Distt. Durg  
(C.G.)  
6. State of Chhattisgarh, Through Secretary, Department of Finance,  
Mahanadi Bhawan, Mantralaya, Naya Raipur, Distt. Raipur (C.G.)  
---- Respondents

Writ Petition (S) No.7021 of 2016

1. Smt. Narbada Sahu, W/o Shri Toman Lal Sahu, aged about 38  
years,  
2. Smt. Tomi Vishwakarma, W/o Bihari, aged about 23 years,  
3. Smt. Ranu Yadav, W/o Dharmendra, aged about 23 years,  
4. Smt. Sukbai Sahu, W/o Sohan, aged about 54 years,  
5. Smt. Sevti Bai Vishwakarma, W/o Sumer, aged about 46 years,

All are R/o Village Koshamkhunta, Block Arang, Distt. Raipur  
(C.G.)  
---- 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, Mahanadi Bhawan, Mantralaya, Naya Raipur, Distt. Raipur (C.G.)
3. Directorate, School Education, Through the Director, School Education, Shiksha Parisar, Pension Bada, Raipur, Distt. Raipur (C.G.)
4. Block Education Officer, Arang, Distt. Raipur (C.G.)
5. Government Primary School, Koshamkhunta, Through the Head Master, Government Primary School, Koshamkhunta, Block Arang, Distt. Raipur (C.G.)
6. Government Middle School, Koshamkhunta, Through the Head Master, Government Primary School, Koshamkhunta, Block Arang, Distt. Raipur (C.G.)
7. State of Chhattisgarh, Through Secretary, Department of Finance, Mahanadi Bhawan, Mantralaya, Naya Raipur, Distt. Raipur (C.G.)  
---- Respondents

Writ Petition (S) No.7022 of 2016

1. Kriparam, S/o Shri Cheta, aged about 50 years,
2. Smt. Sunita, W/o Chhabiram Sinha, aged about 45 years,
3. Smt. Mangal Bai, W/o Dharmaj Satnami, aged about 45 years,
4. Sumitra, W/o Ramji Sahu, aged about 44 years,

All are R/o Village Mohrenga, Block Dhamdha, Distt. Durg (C.G.)  
---- 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, Mahanadi Bhawan, Mantralaya, Naya Raipur, Distt. Raipur (C.G.)

3. Directorate, School Education, Through the Director, School Education, Shiksha Parisar, Pension Bada, Raipur, Distt. Raipur (C.G.)
4. Block Education Officer, Dhamdha, Distt. Durg (C.G.)
5. Government Primary School, Mohrenga, Through the Head Master, Government Primary School, Mohrenga, Block Dhamdha, Distt. Durg (C.G.)
6. State of Chhattisgarh, Through Secretary, Department of Finance, Mahanadi Bhawan, Mantralaya, Naya Raipur, Distt. Raipur (C.G.)  
---- Respondents

AND

Writ Petition (S) No.7033 of 2016

1. Urmal Singh Kunje, S/o Shri Padit Ram, aged about 58 years,
  2. Smt. Armin Bai, W/o Shri Tiharu Ram, aged about 30 years,
- Both R/o Village Chandanbirhi, Block Gunderdehi, Distt. Balod (C.G.)  
---- 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, Mahanadi Bhawan, Mantralaya, Naya Raipur, Distt. Raipur (C.G.)
3. Directorate, School Education, Through the Director, School Education, Shiksha Parisar, Pension Bada, Raipur, Distt. Raipur (C.G.)
4. Block Education Officer, Gunderdehi, Distt. Balod (C.G.)
5. Government Primary School, Chandanbirhi, Through the Head Master, Government Primary School, Chandanbirhi, Block Gunderdehi, Distt. Balod (C.G.)
6. State of Chhattisgarh, Through Secretary, Department of Finance, Mahanadi Bhawan, Mantralaya, Naya Raipur, Distt. Raipur (C.G.)  
---- Respondents

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For Petitioners: Mr. Sourabh Sharma, Advocate.  
For Respondent No.1: Mr. Rajesh Kumar Kesharwani, Advocate.

For State/Respondents No.2 to 6: -

Mr. Dheeraj Kumar Wankhede, Govt. Advocate.

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Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

23/12/2016

1. Heard.
2. Learned counsel for the petitioners would submit that the petitioners are working on the post of Cook in the respective schools and they are being paid only Rs.1,200/- 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 labours. He would rely upon the judgment of the Supreme Court in the matter of State of Punjab and others v. Jagjit Singh and others decided on 26-10-2016 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 (different 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."

3. In view of the 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 a 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 additional representation, if any.

4. With the aforesaid direction, the writ petitions stand finally disposed of. No order as to costs.

Sd/-  
(Manindra Mohan Shrivastava)  
Judge