

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.1168 of 2017**

1. Sukul Ram S/o Shri Chakar Sai Aged About 40 Years Working As Cook Primary School Saraipara Basdei Block & Tahsil Surajpur Distt. Surajpur (Chhattisgarh)
2. Smt. Urmila W/o Shri Shivram, Aged About 32 Years Working As Cook Primary School Nawgai Block & Tahsil Surajpur, Distt. Surajpur (Chhattisgarh)
3. Smt. Sitamati W/o Late Rajdhan Aged About 30 Years Working As Cook Primary School Nawgai Block & Tahsil Surajpur, Distt. Surajpur (Chhattisgarh)
4. Smt. Phulmet W/o Bhukhal Singh Aged About 25 Years Working As Cook Primary School Nawgai Block & Tahsil Surajpur, Distt. Surajpur (Chhattisgarh)
5. Smt. Shanti Devi W/o Ganesh Ram Aged About 45 Years Working As Cook Primary School Koteya Block & Tahsil Bhaiyathan Distt. Surajpur (Chhattisgarh).

---- **Petitioner****Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of School Education Mahanadi Bhawan New Raipur, Distt. Raipur (Chhattisgarh)
2. The Directorate, School Education Through, The Director School Education Siksha Parisar Pension Bada Raipur, Distt. Raipur (Chhattisgarh)
3. The Collector, Surajpur, District Surajpur (Chhattisgarh)
4. The District Education Officer, Surajpur, District Surajpur (Chhattisgarh)
5. The Block Education Officer, Surajpur Block Surajpur, Distt. Surajpur (Chhattisgarh)
6. The Block Education Officer, Bhaiyathan, Block Bhaiyathan, District Surajpur (Chhattisgarh).

---- **Respondents**

For Petitioners	:	Shri A.N. Pandey, Advocate.
For Respondents/State	:	Shri SP Kale, Deputy Advocate General.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****09/03/2017**

1. 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 & 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 workcharge, 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 case, if the petitioners have not filed any representation till today, they may do so within three weeks from today.
3. In view of above, respondent-State 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.
4. With the aforesaid direction, the writ petition stands finally disposed of. No order as to costs.

Sd/-
(P. Sam Koshy)
Judge