

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4920 of 2017

1. Dil Kumari Patel W/o Khemlal Patel Aged About 54 Years Working As Cook On Govt. H. S. S. (Middle) Chaple, Tah And Block Kharsia, District Raigarh, Chhattisgarh.
2. Pili Bai Sarthi W/o Sal Dev Sarthi, Aged About 45 Years Working As Cook On Govt H. S. S. (Midle) Chaple, Tahsil And Block Kharsia, District Raigarh, Chhattisgarh.
3. Nil Bai Patel D/o Late Guha Ram Patel Aged About 31 Years Working As Cook On Govt H. S. S. (Midle) Chaple, Tahsil And Block Kharsia, District Raigarh, Chhattisgarh.

---- Petitioners

Versus

1. Union Of India Through The Secretary, Ministry Of Human Resource Development, Department Of School Education And Literacy, Mid Day Meal Division Shhastr Bhawan, New Delhi.
2. State Of Chhattisgarh Through The Secretary, Department Of Education, New Mantralay, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh.
3. The Director, Directorate Of School Education, Shiksha Parisar, Pension Bada Raipur, District Raipur, Chhattisgarh.
4. The Collector, Raigarh, District Raigarh, Chhattisgarh.
5. The District Education Officer, Raigarh, District Raigarh, Chhattisgarh.
6. Block Education Officer, Kharsia, District Raigarh, Chhattisgarh.

---- Respondents

Shri Jeet Patel, counsel for the petitioner/s.

Shri Rajkumar Gupta and Shri Kishanlal Sahu, counsel for respondent No.1.

Shri A.S.Kachhawaha, Addl. A.G. for the State / respondents 2 to 6.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

22/09/2017

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 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 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.

3. With the aforesaid direction, the writ petition stands finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
JUDGE