

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 333 of 2017

1. Smt. Nirmala Sahu W/o Shri Kunjlal Sahu, Aged About 45 Years R/o Village Tenduwa, Block Dharsiwa, District Raipur (Chhattisgarh)
2. Smt. Ben Bai Sahu, W/o Yashwant, Aged About 45 Years R/o Village Tenduwa, Block Dharsiwa, District Raipur, (Chhattisgarh)
3. Smt. Roop Kumari, W/o Banshilal, Aged About 46 Years R/o Village Tenduwa, Block Dharsiwa, District Raipur, (Chhattisgarh)
4. Smt. Raj Kumari Sahu, W/o Shri Satrugan, Aged About 44 Years R/o Village Tenduwa, Block Dharsiwa, District Raipur, (Chhattisgarh)
5. Smt. Khorbahrin Sahu, W/o Shri Tijau, Aged About 50 Years R/o Village Tenduwa, Block Dharsiwa, District Raipur, (Chhattisgarh)
6. Smt. Dharmin Sahu, W/o Shri Vishram, Aged About 50 Years R/o Village Tenduwa, Block Dharsiwa, District Raipur, (Chhattisgarh)
7. Smt. Kumari Bai Nirmalkar, W/o Pardeshi, Aged About 40 Years R/o Village Siltara, Block Dharsiwa, District Raipur (Chhattisgarh)
8. Smt. Indira Sahu, W/o Shri Nohar Lal, Aged About 38 Years R/o Village Siltara, Block Dharsiwa, District Raipur (Chhattisgarh)
9. Smt. Rekha Verma, W/o Shri Manharan, Aged About 35 Years R/o Village Siltara, Block Dharsiwa, District Raipur (Chhattisgarh)
10. Smt. Sheetal Sahu, W/o Shri Sangit, Aged About 32 Years R/o Village Siltara, Block Dharsiwa, District Raipur (Chhattisgarh)
11. Smt. Sukhvati Sahu, W/o Shri Pachkod, Aged About 59 Years R/o Villae Siltara, Block Dharsiwa, District Raipur, (Chhattisgarh)

---- 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, Shiksha Parisar, Pension Bada, Raipur, District Raipur (Chhattisgarh)
3. Directorate, School Education, Through The Director, School Education , Shiksha Parisar, Pension Bada, Raipur, District Raipur, (Chhattisgarh)
4. Block Education Officer, Dharsiwa, District Raipur, (Chhattisgarh)
5. Government Middle School, Tenduwa, Through The Head Master, Government Middle School, Tenduwa, Block Dharsiwa, District Raipur, (Chhattisgarh)

6. Government Primary School, Tenduwa, Through The Head Master, Government Primary School, Tenduwa, Block Dharsiwa, District Raipur (Chhattisgarh)
7. Government Primary School, Siltara, Through: The Head Master, Government Primary School, Siltara, Block Dharsiwa, District Raipur, (Chhattisgarh)
8. State Of Chhattisgarh, Through: Secretary, Department Of Finance, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur (Chhattisgarh)

---- Respondents

For Petitioner	:	Mr. Somkant Verma, Advocate appearing on behalf of Mr. Sourabh Sharma, Advocate
For Respondents/State	:	Mr. Bhupendra Singh, Advocate and Mr. Gary Mukhopadhyay, Dy.G.A. and Mr. Dhiraj Wankhede, Govt. Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava
Order on Board

20/01/2017

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 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 of.

Sd/-

(Manindra Mohan Shrivastava)
JUDGE

L/-