

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 295 of 2017

1. Hermon Xalxo S/o Libnus Xalxo, Aged About 55 Years Working As Cook, Presently Posted On Primary School Chhichhli (A), Tahsil + Block Bagicha, Distt. Jashpur (Chhattisgarh)
2. Smt. Bandana Xalxo, W/o Hermon Xalxo, Aged About 40 Years Working As Cook, Presently Posted On Middle School Chhichhli (A), Tahsil + Block Bagicha, Distt. Jashpur (Chhattisgarh)
3. Thanak Sai, S/o. Samuk Sai, Aged About 28 Years Working As Cook, Presently Posted On Primary School Baigakona, Tahsil + Block Bagicha, Distt. Jashpur (Chhattisgarh)
4. Smt. Fulesh Bai, W/o. Rathu Ram, Aged About 35 Years Working As Cook, Presently Posted Primary School Khatidand (Bagdol), Tahsil + Block Bagicha, Distt. Jashpur (Chhattisgarh)
5. Smt. Ranjita Kujur, W/o. Henry Kujur, Aged About 24 Years Working As Cook, Presently Posted On Primary School Roopsera (Raikera) Tahsil + Block Bagicha, Distt. Jashpur (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 : Secretary, Department Of Education, New Mantralay, Mahanadi Bhawan, New Raipur, District Raipur (Chhattisgarh)
3. Directorate, School Education, Through : The Director, School Education, Shiksha Parisar, Pension Bada, Raipur, District Raipur (Chhattisgarh)
4. The Collector, Jashpur, District Jashpur (Chhattisgarh)
5. District Education Officer, Jashpur, District Jashpur (Chhattisgarh)
6. Block Education Officer, Bagicha, District Jashpur (Chhattisgarh)

----Respondents

For Petitioners : Mr. Manoj Chauhan, Advocate
For Respondents/State : Ms. Astha Shukla, Panel Lawyer and
Mr. R.K. Gupta, Advocates

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order on Board

19/01/2017

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/-