

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No.489 of 2017**

1. Dilbasiya W/o Shiv Prasad Yadav, Aged About 29 Years Working As Cook, Presently Posted At Boys Primary School, Sirmina, Block Podi Uproda, Distt. Korba (Chhattisgarh).
2. Belsia Bai W/o Bhukhan Singh Aged About 50 Years Working As Cook, Presently Posted At Middle School Damhamuda, Block Podi Uproda, Distt. Korba (Chhattisgarh)
3. Laxmania Bai, W/o Dharam Sai Yadav Aged About 52 Years Working As Cook, Presently Posted At Middle School, Sirmina Block Podi Uproda, Distt. Korba (Chhattisgarh)
4. Basanti Bai W/o Ram Singh Aged About 45 Years Working As Cook, Presently Posted At Purv Madhyamik Shala, Ghumanidand, Block Podi Uproda, Distt. Korba (Chhattisgarh)
5. Hari Chand Raj S/o Ram Singh Raj Aged About 36 Years Working As Cook, Presently Posted At Primary School, Chhindiya, Chopanpara, Block Podi Uproda, Distt. Korba (Chhattisgarh)
6. Dharam Sai, S/o Shankar Lal Aged About 52 Years Working As Cook, Presently Posted At Middle School, Sirmina, Block Podi Uproda, Distt. Korba (Chhattisgarh)
7. Smt. Dhankunwar Gond W/o Vishambhar Gond Aged About 47 Years Working As Cook, Presently Posted At Govt. Primary School Amamuda, Block Podi Uproda, Distt. Korba (Chhattisgarh)
8. Salik Ram S/o Man Say Yadav, Aged About 45 Years Working As Cook, Presently Posted At Primary School Damhamuda, Block Podi Uproda, Distt. Korba (Chhattisgarh)

---- Petitioners**Versus**

1. Union Of India Through Secretary, Ministry Of Human Resources Development, Department Of School Education And Literacy, Mid Day Meal Division, Shashtri Bhawan, New Delhi.
2. State Of Chhattisgarh, Through The Secretary, Department Of School Education, New Mantralay, Mahanadi Bhawan, New Raipur (Chhattisgarh)
3. Directorate School Education, Through The Director, School Education, Shiksha Parisar, Pension Bada, Raipur, Distt. Raipur (Chhattisgarh)
4. The Collector, Korba, District Korba (Chhattisgarh)
5. District Education Officer, District Korba (Chhattisgarh)
6. Block Education Officer, Podi Uproda, District Korba (Chhattisgarh)

---- Respondents

For Petitioners : Mr. Anshul R. Shrivastava, Advocate
 For State/Respondents : Mr. Avinash Singh, Panel Lawyer and
 Mr. R.K. Gupta, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

30/01/2017

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 petitions stand finally disposed of. No order as to costs.

Sd/-

(Sanjay K. Agrawal)
JUDGE

L/-