

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 595 of 2017

1. Nageshwari Bariha W/o Rohit Bariha, Aged About 37 Years R/o Village Bhagat Devri, P. S. Basna, Tahsil And Block Pithaura, District Mahasamund (Chhattisgarh)
2. Ahilya Bhoi W/o Kishor Bhoi, Aged About 27 Years R/o Bhokludih, Post Memra, P. S. Sankra (Jonk) Tahsil And Block Pithaura, District Mahasamund (Chhattisgarh)
3. Sumitra Bhoi W/o Chandrmadi Bhoi, Aged About 28 Years R/o Bhokludih, Post Memra, P. S. Pithaura, Tahsil And Block Pithaura, District Mahasamund (Chhattisgarh)
4. Amna Kumari Patel W/o Navratna, Aged About 37 Years Caste Aghariya, R/o Village Bhagat Devri, Ward No. 09, Post Bhagat Devri, Tahsil And Block Pithaura, District Mahasamund (Chhattisgarh)
5. Smt. Saraswati Bai D/o Dashrath Bariha, Aged About 25 Years Village Bhagat Devri, Ward No. 3, Post Bhagat Devri, P. S. Basna, Tahsil And Block Pithaura, District Mahasamund (Chhattisgarh)
6. Balo Bai Bariha W/o Shri Santa Ram Bariha, Aged About 58 Years R/o Village Bhagat Devri, Ward No. 9, Post Bhagat Devri, P. S. Basna, Tahsil And Block Pithaura, District Mahasamund (Chhattisgarh)
7. Sanmoti Bariha W/o Tikeshwar Bariha, Aged About 34 Years R/o Village Bhagat Devri, Ward No. 5, Post Bhagat Devri, P. S. Basna, Tahsil And Block Pithaura, District Mahasamund (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 Schools Education Development, Mantralay, Mahanadi Bhawan, Police Station Mandir Hasaud, New Raipur (Chhattisgarh)
3. Director, Lok Sikshan Sanchanalaya, Indrawati Bhawan, New Raipur, District Raipur (Chhattisgarh)
4. Secretary Labour Officers, Indrawati Bhawan, New Raipur, District Raipur (Chhattisgarh)
5. Collector, Mahasamund District Mahasamund (Chhattisgarh)
6. District Education Officer, Mahasamund District Mahasamund (Chhattisgarh)
7. Labour Office Mahasamund District Mahasamund (Chhattisgarh)

---- Respondents

For Petitioners : Shri Amit Kumar Sharma, Advocate.
For Respondent No. 1 : Shri Raj Kumar Gupta, Advocate.
For State : Smt. Astha Shukla, PL

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board By

03/02/2017

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 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 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 petitioner are at liberty to make an additional representation, if any.

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

Sd/-

(Sanjay K. Agrawal)
JUDGE

D/-