

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 1629 of 2017**

1. Smt. Lalki Nagesiya W/o Late Ram Chandra Nagesiya, Aged About 33 Years Working As Cook, Presently Posted At Middle School, Nawadih Khurd, Block Kusmi, Distt. Balrampur (Chhattisgarh)
2. Bharat Nagesiya S/o Girdhari Nagesiya, Aged About 28 Years Working As Cook, Presently Posted At Middle School, Nawadih Khurd, Block Kusmi, Distt. Balrampur (Chhattisgarh)
3. Jamni Nagesiya W/o Late Aghnu Nagesiya Aged About 47 Years Working As Cook, Presently Posted At Primary School, Saraidih Block Kusmi Distt. Balrampur (Chhattisgarh)
4. Kunti Nagesiya W/o Shri Gobind Nagesiya Aged About 41 Years Working As Cook, Presently Posted At Middle School, Saraidih Block Kusmi Distt. Balrampur (Chhattisgarh)
5. Smt. Priyanka Nagesiya W/o Shiv Prasad Nagesiya Aged About 37 Years Working As Cook, Presently Posted At Primary School, Saraidih Block Kusmi Distt. Balrampur (Chhattisgarh)
6. Manoj Nagesiya S/o Koka Nagesiya Aged About 28 Years Working As Cook, Presently Posted At Primary School, Saraidih Block Kusmi Distt. Balrampur (Chhattisgarh)
7. Smt. Shanti Nagesiya W/o Barat Nagesiya Aged About 40 Years Working As Cook, Presently Posted At Primary School, Chatakona, Block Kusmi Distt. Balrampur (Chhattisgarh)
8. Smt. Sumanti Nagvanshi W/o Mahesh Nagvanshi Aged About 35 Years Working As Cook, Presently Posted At Primary School, Tatijhariya, Block Kusmi Distt. Balrampur (Chhattisgarh)
9. Bharat Nagesiya S/o Dhuma Nagesiya Aged About 30 Years Working As Cook, Presently Posted At Middle School, Khamhiyan, Block Kusmi Distt. Balrampur (Chhattisgarh)
10. Smt. Halki Nagvanshi W/o Vindeshwar Nagvanshi Aged About 44 Years Working As Cook, Presently Posted At Middle School, Tatijhariya, Block Kusmi Distt. Balrampur (Chhattisgarh)
11. Sanjay Nagesiya S/o Bindeshwar Nagesiya Aged About 27 Years Working As Cook, Presently Posted At Primary School, Nawadih Khurd, Block Kusmi Distt. Balrampur (Chhattisgarh)
12. Gagan Nagesiya S/o Manmohan Nagesiya Aged About 27 Years Working As Cook, Presently Posted At Primary School, Kudag, Block Kusmi Distt. Balrampur (Chhattisgarh)

---- Petitioner

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 Secretary, Labour Department, Indrawati Bhawan, New Raipur, Distt. Raipur (Chhattisgarh)
5. The Collector, Balrampur, Distt. Balrampur Ramanujganj (Chhattisgarh)
6. District Education Officer, Distt. Balrampur Ramanujganj (Chhattisgarh)
7. Block Education Officer, Kusmi, Distt. Balrampur Ramanujganj (Chhattisgarh)
8. Labour Officer, Balrampur, Distt. Balrampur Ramanujganj (Chhattisgarh)

---- Respondents

For Petitioners	:	Shri Anshul R. Shrivastava, Advocate
For Respondent-UOI	:	Shri RK Pandey, Advocate
For Respondents-State	:	Shri Arvind Dubey, PL for the State

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

07/04/2017

1. Learned counsel for the petitioners submits that the petitioners are working as Cook in Block Kusmi, Distt. Balrampur (Chhattisgarh) in different govt. schools, however, their grievance is common that they are paid only Rs.1200/- per month i.e. Rs.40 per day as remuneration or salary, whereas according to the notification Annexure P-2 the minimum wages prescribed in the State of Chhattisgarh is Rs.255 per

day for skilled labourers, therefore, the petitioners are also entitled for such minimum wage.

2. Counsel for the Petitioners relies upon the judgment of the Supreme Court in the matter of **State of Punjab & Ors. v. 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.”

3. In view of above, Respondent No.2 is directed to consider the representations 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.

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

Sd/-

Judge
Prashant Kumar Mishra

ashu