

HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) NO. 965 OF 2017

1. Smt. Santoshi Kewat, D/o Shri Ravindra Kumar Kewat, aged about 31 years, Village Singhul, P.O. Kansada Block- Nawagarh, District Janjgir-Champa (C.G.)
2. Smt. Husena Begam, W/o Shri Saleem Husain, aged about 33 years, village Singhul, P.S. Kansada, Block- Nawagarh, District Janjgir-Champa (C.G.)
3. Smt. Durpati Kewat, D/o Shri Shiv Lal Kewat, aged about 30 years, Village Singhul, P.O. Kansada, Block- Nawagrah, District Janjgir-Champa (C.G.)

... 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 the Secretary Revenue Department, Mahanadi Bhawan, New Raipur (C.G.)
3. The Director Public Instructions Chhattisgarh Indrawati Bhawan, New Raipur (C.G.)
4. The Head Master, Govt. Primary School Singhul, Block- Nawagarh, District Janjgir-Champa (C.G.)

... Respondents

For Petitioners	:	Mr. Anil Mourya, Advocate.
For Respondent-Union of India	:	Mr. Ramakant Pandey, Advocate.
For Respondent-State	:	Mr. Shashank Thakur, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

27/02/2017

1. Learned Counsel for the Petitioners submits that the Petitioners are working on the post of Cook in the Government Primary School Singhul, Block Nawagarh, District Janjgir-Champa 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 labourers.
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 be 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 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.

4. With the aforesaid direction, the present Writ Petition stands finally disposed of.

Sd/-
(P. Sam Koshy)
Judge