

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.1146 of 2017**

1. Kailash Kunwar W/o Ashok Kunwar Aged About 22 Years Working As Cook, Presently Posted At Primary School, Baghindand, Block Podi Uproda, Distt. Korba (Chhattisgarh)
2. Ramkali Marco W/o Mushiram Aged About 66 Years Working As Cook, Presently Posted At Primary School, Baghindand, Block Podi Uproda, District Korba (Chhattisgarh)
3. Kitab Singh W/o Heera Singh Aged About 37 Years Working As Cook, Presently Posted At Primary School, Pathradand, Block Podi Uproda, District Korba (Chhattisgarh)
4. Smt. Nirmala W/o Vishambhar Singh Aged About 31 Years Working As Cook, Presently Posted At Primary School, Pathradand, Block Podi Uproda, District Korba (Chhattisgarh)
5. Shyamlal S/o Chhotelal Aged About 40 Years Working As Cook, Presently Posted At Middle School, Saila, Block Podi Uproda, District Korba (Chhattisgarh)
6. Smt. Rambai Pendo W/o Tejram Pendo Aged About 47 Years Working As Cook, Presently Posted At Primary School, Saila, Block Podi Uproda, District Korba (Chhattisgarh)
7. Mansingh Markam S/o Shivsharan Singh Markam, Aged About 30 Years Working As Cook, Presently Posted At Primary School, Patharphod, Block Podi Uproda, District Korba (Chhattisgarh)
8. Ganpatiya Bai W/o Tribhuvan Singh Korche Aged About 41 Years Working As Cook, Presently Posted At Primary School, Patharphod, Block Podi Uproda, District Korba (Chhattisgarh)
9. Ashok Kumar S/o Ramji Aged About 26 Years Working As Cook, Presently Posted At Middle School, Saila, Block Podi Uproda, District Korba (Chhattisgarh)
10. Smt. Shanti Bai Ureti W/o Lal Singh Aged About 37 Years Working As Cook, Presently Posted At Primary School, Saila, Block Podi Uproda, District Korba (Chhattisgarh)
11. Mangal Singh Ayam S/o Devsharan Singh Ayam Aged About 51 Years Working As Cook, Presently Posted At Government Primary School, Jatadand, Block Podi Uproda, District Korba (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. Directorate School Education, through the Director, School Education, Shiksha Parisar, Pension Bada, Raipur, District Raipur (CG).
4. The Secretary, Labor Department, Indrawati Bhawan New Raipur, District Raipur (Chhattisgarh).
5. The Collector, Korba, District Korba, (Chhattisgarh).
6. District Education Officer, Korba, District Korba, (Chhattisgarh)
7. Block Education Officer, Podi Uproda, District Korba, (Chhattisgarh).

8. Labour Officer, Korba, Distt. Korba (CG).

---- Respondents

For Petitioners	:	Shri Anshul R Shrivastava, Advocate.
For respondent No.1	:	Shri Raj Kumar Gupta, Advocate.
For Respondents/State	:	Shri Mazid Ali, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

08/03/2017

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

3. With the aforesaid direction, the writ petition stands finally disposed of. No order asto costs.

Sd/-
(P. Sam Koshy)
Judge

inder