

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1486 of 2017

1. Budhwar Singh Maravi S/o Narayan Singh Maravi, Aged About 32 Years Working As Cook, Presently Posted At Middle School, Chindia, Block Podi Uroda, Distt. Korba (Chhattisgarh)
2. Dev Singh S/o Shiv Prasad Aged About 24 Years Working As Cook, Presently Posted At Middle School, Chindia, Block Podi Uroda, Distt. Korba (Chhattisgarh)
3. Smt. Ram Kunwar Ayam W/o Itwar Ayam Aged About 32 Years Working As Cook, Presently Posted At Primary School, Darripara, Block Podi Uroda, Distt. Korba (Chhattisgarh)
4. Anil Kumari Yadav W/o Harish Yadav Aged About 32 Years Working As Cook, Presently Posted At Primary School, Lalmatiyapara, Block Podi Uroda, Distt. Korba (Chhattisgarh)
5. Devlal Kurre S/o Kalikram Kurre Aged About 41 Years Working As Cook, Presently Posted At Primary School, Kulhariya, Block Podi Uroda, Distt. Korba (Chhattisgarh)
6. Smt. Phoolkunwar Rawat W/o Dauwa Ram Rawat, Aged About 57 Years Working As Cook, Presently Posted At Primary School, Khirti, Block Podi Uroda, Distt. Korba (Chhattisgarh)
7. Smt. Aagarmati Binjhwar W/o Madho Binjhwar Aged About 57 Years Working As Cook, Presently Posted At Primary School, Khirti, Block Podi Uroda, Distt. Korba (Chhattisgarh)
8. Shiv Singh Rautiya S/o Dharam Singh Aged About 28 Years Working As Cook, Presently Posted At Primary School, Kedai, Block Podi Uroda, Distt. Korba (Chhattisgarh)
9. Pratap S/o Dilbodh Aged About 40 Years Working As Cook, Presently Posted At Middle School, Bhulsibhavna, Block Podi Uroda, Distt. Korba (Chhattisgarh)
10. Nand Lal S/o Maan Sai, Aged About 47 Years Working As Cook, Presently Posted At Primary School, Kodwaripara, Puta, Block Podi Uroda, 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, District Raipur (Chhattisgarh)
4. The Secretary, Labour Department, Mahanadi Bhawan, New Raipur, Distt. Raipur (Chhattisgarh)
5. The Collector, Korba, District Korba, Chhattisgarh.
6. District Education Officer, District Korba, Chhattisgarh.
7. Block Education Officer, Podi Uroda, District Korba (Chhattisgarh)
8. Labour Officer, Korba, District Korba, Chhattisgarh

---- Respondents

For Petitioners	Shri A. K. Sharma, Advocate
For Respondent-State	Shri Satish Gupta, GA
For Respondent No.1	Shri R. K. Gupta, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

28/03/2017

1. Learned counsel for the petitioners submits that the petitioners are working as Cook in different govt. schools in different development blocks and in different districts in the State, 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.”

2. 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.

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

Sd/-

Judge
Prashant Kumar Mishra

Nirala