

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3100 of 2017

1. Smt. Chintawati W/o Late Ramesh Singh, Aged About 38 Years Working As Cook Govt. Middle School Chitvishrampur Village Panchayat Chitvishrampur Tahsil Balrampur District Balrampur Ramanujganj (Chhattisgarh).
2. Smt. Chhathani Devi W/o Shri Sudev Singh, Aged About 42 Years Working As Cook Govt. Primary School Banour, Village Panchayat Chitvishrampur Tahsil Balrampur District Balrampur Ramanujganj (Chhattisgarh).
3. Smt. Beena Sarkar W/o Gaoutam Vishwash, Aged About 25 Years Working As Cook Middle School Chitvishrampur Village Panchayat Chitvishrampur Tahsil Balrampur District Balrampur Ramanujganj (Chhattisgarh).
4. Smt. Namita W/o Shri Charan Singh, Aged About 35 Years Working As Cook Primary School Kanya Ashram Jataro Block & Tahsil Balrampur District Balrampur- Ramanujganj (Chhattisgarh).
5. Smt. Pawan Devi W/o Shri Dinesh Singh, Aged About 45 Years Working As Cook Primary School Chitvishrampur Village Panchayat Chitvishrampur Tahsil Balrampur District Balrampur Ramanujganj (Chhattisgarh).
6. Smt. Kalawati W/o Shri Dargo Agariya, Aged About 48 Years Working As Cook Govt. Primary School Banour, Village Panchayat Chitvishrampur Tahsil Balrampur District Balrampur Ramanujganj (Chhattisgarh).
7. Smt. Shanti Devi W/o Shri Jagnarayan, Working As Cook Primary School Jamtand Block & Tahsil Balrampur District Balrampur Ramanujganj (Chhattisgarh).

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of School Education Mahanadi Bhawan New Raipur District Raipur (Chhattisgarh).
2. The Directorate, School Education Through, The Director School Education Siksha Parisar Pension Bada Raipur District Raipur (Chhattisgarh).
3. The Collector, Balrampur District Balrampur Ramanujganj (Chhattisgarh).
4. The District Education Officer, Balrampur District Balrampur Ramanujganj (Chhattisgarh).
5. Block Education Officer, Balrampur District Balrampur Ramanujganj (Chhattisgarh).

---- Respondents

Shri A.N.Pandey, counsel for the petitioner/s.
Ms. Sunita Jain, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

17/07/2017

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 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.1 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 off.

Sd/-
(Manindra Mohan Shrivastava)
JUDGE