

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No.6829 of 2017

1. Smt. Malti Mandavi W/o Bahhi Ram Aged About 58 Years Working As Cook Presently Posted On Primary School Puriyara, Tahsil + Block Narharpur Distt. Kanker Chhattisgarh
2. Brijesh Kumar Kunjam S/o Chandan Singh Kunjam Aged About 27 Years Working As Cook Presently Posted On Primary School Puriyara, Tahsil + Block Narharpur Distt. Kanker Chhattisgarh
3. Smt. Mithala Bai, W/o Ramsay Markam Aged About 41 Years Working As Cook Presently Posted On Primary School Dhanora, Tahsil + Block Narharpur Distt. Kanker Chhattisgarh
4. Jalsingh S/o Thukel Ram Aged About 60 Years Working As Cook Presently Posted On Primary School Puriyara, Tahsil + Block Narharpur Distt. Kanker Chhattisgarh
5. Baransingh Kunjam S/o Mangun Kunjam Aged About 45 Years Working As Cook Presently Posted On Primary School Tikrapara (Mandradarha), Tahsil + Block Narharpur Distt. Kanker 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 The Secretary, Department Of Education, New Manralaya, Mahanadi Bhawan, New Raipur, Chhattisgarh.
3. Directorate, School Education Through The Director School Education, Shiksha Parisar, Pension Bada Raipur, District Raipur Chhattisgarh
4. The Collector, Kanker District Kanker Chhattisgarh.
5. District Education Officer, Kanker District Kanker Chhattisgarh.
6. Block Education Officer, Narharpur, District Kanker Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Anurag Shrivastava, Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, PL

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

07/12/2017

1. Learned counsel for the petitioners submits that the petitioners are working on

the post of Cook in the different government schools 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 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”

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 would be at liberty to make an additional representation, if any.

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

SD/-

(**Manindra Mohan Shrivastava**)

J U D G E