

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
WPS No.27 of 2017

1. Dwarika Prasad Deshmukh S/o Shri Rajgir, Aged About 42 Years
R/o Village Bundeli, Block Dondi Lohara, District Balod
(Chhattisgarh)
2. Smt. Revti Bai W/o Shri Bhim Ram, Aged About 31 Years R/o
Village Bundeli, Block Dondi Lohara, District Balod (Chhattisgarh)
3. Smt. Phuleshwari Bai, W/o Vijay Kumar, Aged About 45 Years
R/o Village Bundeli, Block Dondi Lohara, District Balod
(Chhattisgarh)

---- **Petitioners**

Versus

1. Union Of India Through : 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
Education, Mahanadi Bhawan, Mantralaya, Naya Raipur, District
Raipur (Chhattisgarh)
3. Directorate, School Education, Through : The Director, School
Education, Shiksha Parisar, Pension Bada, Raipur, District
Raipur (Chhattisgarh)
4. Block Education Officer, Dondi Lohara, District Balod
(Chhattisgarh).
5. Government Middle School, Bundeli, Through : The Head Master,
Government Middle School, Bundeli, Block Dondi Lohara, District
Balod (Chhattisgarh)
6. State Of Chhattisgarh, Through : Secretary, Department Of
Finance, Mahanadi Bhawan, Mantralaya, Naya Raipur, District
Raipur (Chhattisgarh)

---- **Respondents**

For Petitioners	:	Mr. Sourabh Sharma, Advocate
For Respondents	:	Shri Bhupendra Singh, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

03/01/2017

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

3. With the aforesaid direction, the writ petitions stand finally disposed of. No order as to costs.

Sd/-

(Sanjay K. Agrawal)
JUDGE

L/-