

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 1046 of 2017**

1. Smt. Santoshi Bai W/o Raju Lal Bareth, Aged About 32 Years
2. Smt Pitar Bai Yadav, W/o Firtu Ram Yadav, Aged About 40 Years
3. Smt. Shanta Bai, Wd/o Rameshwar Shrivasa, Aged About 58 Years
4. Smt. Lachchhan Bai Bareth, W/o Shyam Lal Bareth, Aged About 40 Years

All are R/o Village Temar, Police Station And Tehsil Sakti, District Janjgir Champa, (Chhattisgarh) .

---- **Petitioners**

Versus

1. Union Of India Through The Secretary, Ministry Of Human Resource 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 Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, (Chhattisgarh)
3. Director, Directorate Of School Education, Shiksha Parisar, Pension Bada Raipur, District Raipur, (Chhattisgarh)
4. The Collector, Janjgir, District Janjgir Champa, (Chhattisgarh)
5. District Education Officer, Education District Sakti, District Janjgir Champa, (Chhattisgarh)
6. Block Education Officer, Sakti, Education District Sakti, District Janjgir Champa, (Chhattisgarh).

---- **Respondents**

For Petitioners	:	Shri Govind Dewangan, Advocate.
For Respondent/State	:	Shri Mazid Ali, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

02/03/2017

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.

Sd/-
(P.Sam Koshy)
Judge