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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 1393 of 2017**

1. Basant Bai D/o Gulab Ram Aged About 28 Years Working As Cook, Presently Posted At Primary School, Baigapara, Block Udaipur, Distt. Surguja (Chhattisgarh)
2. Jagesari Paikra W/o Gharbharan Singh Aged About 48 Years Working As Cook, Presently Posted At Primary School, Phulchuhi, Block Udaipur, Distt. Surguja (Chhattisgarh)
3. Maheshwari Singh W/o Chatrapal Singh Aged About 28 Years Working As Cook, Presently Posted At Middle School, Phulchuhi, Block Udaipur, Distt. Surguja (Chhattisgarh)
4. Devsharan Singh Paikra, S/o Late Shri Buttu Ram Paikra, Aged About 48 Years Working As Cook, Presently Posted At Primary School, Khondhala, Block Udaipur, Distt. Surguja (Chhattisgarh)
5. Smt. Sudhni Porte W/o Ambika Porte Aged About 51 Years Working As Cook, Presently Posted At Primary School, Doi, Block Udaipur, Distt. Surguja (Chhattisgarh)
6. Smt. Omwati Paikra W/o Madan Paikra, Aged About 30 Years Working As Cook, Presently Posted At Middle School, Phulchuhi, Block Udaipur, Distt. Surguja (Chhattisgarh)
7. Smt. Munni Bai W/o Mahavir Singh Aged About 47 Years Working As Cook, Presently Posted At Primary School, Saraipara (Doi), Block Udaipur, Distt. Surguja (Chhattisgarh)
8. Smt. Payajo Bai W/o Dhabiha Aged About 63 Years Working As Cook, Presently Posted At Primary School, Phulchuhi, Block Udaipur, Distt. Surguja (Chhattisgarh)

---- Petitioner**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 The Secretary, Department Of School Education New Mantralaya, 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, Indrawati Bhawan, New Raipur, Distt. Raipur (Chhattisgarh)
5. The Collector, Surguja, District Surguja Chhattisgarh.
6. District Education Officer, District Surguja Chhattisgarh.
7. Block Education Officer, Udaipur, District Surguja Chhattisgarh.

8. Labour Officer, Surguja, District Surguja Chhattisgarh.

---- Respondents

For Petitioners:	Mr. A.R. Shrivastava, Advocate
For U.O.I.	Mr. R.K. Kesharwani, Advocate
For State :	Mr. Gary Mukhopadhyay, Dy. Government Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

22.03.2017

1. Learned Counsel for the Petitioners submits that the Petitioners are working on the post of Cook in different Government Schools at Block Udaipur, District Surguja 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 labourers.
2. Learned 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 be applicable to all the temporary employees and has 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."

3. Learned Counsel for the Petitioners further submits that the issue involved in the present case has already been considered and decided by this Court in the bunch of Writ Petitions. One among the said Petitions is **Writ Petition (S) No. 963 of 2017** decided on **27.02.2017**. He prays that the present Writ Petition may also be decided in accordance with the order passed by this Court on 27.02.2017.
4. 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 pass a reasoned order in accordance with law on its own merit.
5. The Petitioners are at liberty to make an additional representation, if any.
6. With the aforesaid direction, the present Writ Petition stands finally disposed of.

Sd/-

(P. Sam Koshy)
JUDGE