

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.1119 of 2017**

1. Prabha Bai W/o Shri Ram, Aged About 28 Years Working At Govt. High School Bundelabhatha, P/s Basna, Tahsil Basna, Block Basna, District Mahasamund (Chhattisgarh)
2. Anand Ram S/o Khada Baiga, Aged About 40 Years Working At Govt. High School Beltikri, Tahsil Basna, Block Basna, District Mahasamund (Chhattisgarh)
3. Sukmat Lahre W/o Shiv Prasad, Aged About 67 Years Working At Govt. Primary School Khurdarha, P/s Basna, Tahsil Basna, Block Basna, District Mahasamund (Chhattisgarh)
4. Sanjay Kumar Jagat S/o Lomas, Aged About 21 Years Working At Govt. Primary School Deepapara Salkhand, P/s Basna, Tahsil Basna, Block Basna, District Mahasamund (Chhattisgarh)
5. Setbai W/o Jageshar, Aged About 49 Years Working At Govt. Primary School Butipali, P/s Basna, Tahsil Basna, Block Basna, District Mahasamund (Chhattisgarh)
6. Smt. Nira Bai W/o Sitaram, Aged About 41 Years Working At Govt. High School Butipali, P/s Basna, Tahsil Basna, Block Basna, District Mahasamund (Chhattisgarh)
7. Bhuwanlal S/o Bharatlal, Aged About 37 Years Working At Govt. High School Bundelabhatha, P/s Basna, Tahsil Basna, Block Basna, District Mahasamund (Chhattisgarh)
8. Kamta Prasad Sahu S/o Pradnath Sahu, Aged About 31 Years Working At Govt. Middle School Badesajapali, P/s Basna, Tahsil Basna, Block Basna, District Mahasamund (Chhattisgarh)
9. Smt. Sukwara Bai Sahu W/o Fagulal Sahu, Aged About 63 Years Working At Govt. Primary School Badesajapali, P/s Basna, Tahsil Basna, Block Basna, District Mahasamund (Chhattisgarh)
10. Smt. Anand Moti Sahu W/o Samaru Sahu, Aged About 41 Years Working At Govt. Middle School Badesajapali, P/s Basna, Tahsil Basna, Block Basna, District Mahasamund (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 Secretary, Department Of Schools Education Development, Mantralay, Mahanadi Bhawan, Police Station Mandir Hasaud, New Raipur (Chhattisgarh)
3. Director, Lok Sikshan Sanchanalaya, Indrawati Bhawan, New Raipur, Distt. Raipur (Chhattisgarh)
4. Secretary, Labour Officers, Indrawati Bhawan New Raipur, District Raipur (Chhattisgarh)
5. Collector, Mahasamund, District Mahasamund, (Chhattisgarh).
6. District Education Officer, Mahasamund, District Mahasamund, (Chhattisgarh)
7. Labour Office Mahasamund, District Mahasamund (Chhattisgarh)
8. Block Education Officer, Basna, District Mahasamund, (Chhattisgarh).

---- Respondents

For Petitioners	:	Shri Anshul R Shrivastava, Advocate.
For respondent No.1	:	Shri Ramakant Pandey, Advocate.
For Respondents/State	:	Shri Shashank Thakur, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

07/03/2017

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. No order asto costs.

Sd/-
(P. Sam Koshy)
Judge

inder