

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 241 of 2017**

1. Smt. Shivkumari, wife of Devkumar, aged about 30 years, working as Cook, Government Middle School, Sirsi, Block & Tahsil – Bhaiyathan, District – Surajpur (C.G.)
2. Smt. Anita, wife of Ramcharit Kushwaha, aged about 31 years, working as Cook, Government Middle School, Sirsi, Block & tahsil – Bhaiyathan, District Surajpur (C.G.)

---- Petitioners**Versus**

1. State of Chhattisgarh, Through the Secretary, School Education Department, Mahanadi Bhawan, Mantralaya, New Raipur, District – Raipur (C.G.)
2. The Director, Directorate of Public Instructions, Pension Bada, Raipur (C.G.)
3. The Collector, Surajpur, District Surajpur (C.G.)
4. The District Education Officer, Surajpur (C.G.)
5. The Chief Executive Officer, Janpad Panchayat, Bhaiyathan, District – Surajpur (C.G.)
6. Union of India, through the Secretary, Ministry of Human Resources Development Department of School Education and Literacy, Mid Deay Meal Division, Shastri Bhawan, New Delhi

--- Respondents

For Petitioner	:	Shri Harish Khuntiya, Advocate.
For Respondent No. 6	:	Shri Raj Kumar Gupta, ASG
For Respondents No. 1 to 4	:	Shri Prafull N. Bharat, Additional Advocate General.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****17/01/2017**

(1) Learned counsel for the petitioners would submit that the petitioners are working on the post of Cook in the various 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, she is entitled for Rs.255/- per day as they 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 petitioner 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/-

(Manindra Mohan Shrivastava)

Judge

