

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 274 of 2017**

1. Smt. Sushila Xaxa W/o. Florence Xaxa, Aged About 38 Years Working As Cook, Presently Posted On Middle School Rupsera, Tahsil Block Bagicha, Distt. Jashpur (Chhattisgarh)
2. Smt. Sangeeta Beck, W/o. Arvind Beck, Aged About 27 Years Working As Cook, Presently Posted On Primary School Rupsera, Tahsil + Block Bagicha, Distt. Jashpur (Chhattisgarh)
3. Lavan Ram, S/o Khiru Ram, Aged About 35 Years Working As Cook, Presently Posted On Primary School Peta, Tahsil + Block Bagicha, Distt. Jashpur (Chhattisgarh)
4. Smt. Jhilo Bai, W/o. Manglu Ram, Aged About 45 Years Working As Cook, Presently Posted Middle School Dumarpara, Tahsil + Block Bagicha, Distt. Jashpur (Chhattisgarh)
5. Girdhari Yadav S/o Bikava Yadav, Aged About 30 Years Working As Cook, Presently Posted On Primary School Gaylunga, Tahsil + Block Bagicha, Distt. Jashpur (Chhattisgarh)
6. Smt. Sumati Bai W/o Aler Ram, Aged About 41 Years Working As Cook, Presently Posted On Primary School Amirghat, Tahsil + Block Bagicha, Distt. Jashpur (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 : The Secretary, Department Of Education, New Mantralay, Mahanadi Bhawan, New Raipur (Chhattisgarh)
3. Directorate, School Education, Through : The Director, School Education, Shiksha Parisar, Pension Bada, Raipur, District Raipur (Chhattisgarh)
4. The Collector, Jashpur, District Jashpur (Chhattisgarh)
5. District Education Officer, Jashpur, District Jashpur (Chhattisgarh)
6. Block Education Officer, Bagicha, District Jashpur (Chhattisgarh)

---- Respondents

For Petitioners : Shri Manoj Chouhan, Advocate.

For Respondent No. 1 : Shri Bhupendra Singh, ASG
For Respondent No. 2 to 6 : Smt. Astha Shukla, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

18/01/2017

(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, 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 observation, the writ petition stands finally disposed of.

Sd/-

(Goutam Bhaduri)

Judge

Dubey/-