

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 337 of 2017

1. Smt. Basanti Bai W/o Ramchandra Kasari, Aged About 33 Years Working As Cook, Presently Posted Primary School Bijlitoli, Tahsil + Block Jashpur, Distt Jashpur, (Chhattisgarh)
2. Smt. Upasi Bai, W/o Atwa Ram, Aged About 45 Years Working As Cook, Presently Posted On Primary School Rajapara, Tahsil + Block Jashpur, Distt Jashpur, (Chhattisgarh)
3. Smt. Raksana Khatun, W/o Moh. Aayan Khan, Aged About 32 Years Working As Cook, Presently Posted Madarsa Gausiya Rijviya Middle School Jashpur, Tahsil + Block Jashpur, Distt Jashpur, (Chhattisgarh)
4. Smt. Suman Sahu, W/o Govardhan Sahu, Aged About 24 Years Working As Cook, Presently Posted Girls Primary School Jashpur, Tahsil + Block Jashpur, Distt Jashpur, (Chhattisgarh)
5. Smt. Usha Rawani, W/o Govind Rawani, Aged About 40 Years Working As Cook, Presently Posted Primary School Telitoli, Tahsil + Block Jashpur, Distt Jashpur, (Chhattisgarh)
6. Smt. Shahnaj Ansari, W/o Abbas Ansari, Aged About 30 Years Working As Cook, Presently Posted Madarsa Phurkaniya Primary School Jashpur, Tahsil + Block Jashpur, Distt Jashpur (Chhattisgarh)
7. Smt. Sukanti Devi, W/o Govardhan Sahu, Aged About 45 Years Working As Cook, Presently Posted Kalyan Ashram Primary School Jashpur, Tahsil + Block Jashpur, Distt Jashpur, (Chhattisgarh)
8. Smt. Mamta Bai, W/o Udai Kumar, Aged About 31 Years Working As Cook, Presently Posted Kalyan Ashram Middle School Jashpur, Tahsil + Block Jashpur, 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, Jashpur, District Jashpur, (Chhattisgarh)

---- Respondents

For Petitioner : Mr. Somkant Verma, Advocate
For Respondents/State : Mr. Bhupendra Singh, Advocate and
Mr. Gary Mukhopadhyay, Dy.G.A. and
Mr. Dhiraj Wankhede, Govt. Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava
Order on Board

20/01/2017

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 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 direction, the writ petition stands finally disposed of.

Sd/-

(Manindra Mohan Shrivastava)
JUDGE

L/-