

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No.485 of 2017**

1. Bijendra Singh S/o Amar Singh, Aged About 26 Years Working As Cook, Presently Posted At Middle School, Damhamuda, Block Podi Uproda, Distt Korba, (Chhattisgarh)
2. Sukmatia, W/o Dashrath, Aged About 59 Years Working As Cook, Presently Posted At Primary School Mudia Kachar, Block Podi Uproda, Distt. Korba, (Chhattisgarh)
3. Smt. Ram Kunwar Rajan, W/o Bhuwaan Lal Rajan, Aged About 52 Years Working As Cook, Presently Posted At Primary School, Chindia, Block Podi Uproda, Distt. Korba, (Chhattisgarh)
4. Phoolbasia Yadav, W/o Ram Charan Yadav, Aged About 30 Years Working As Cook, Presently Posted At Middle School, Sirmina, Block Podi Uproda, Distt. Korba, (Chhattisgarh)
5. Smt. Ram Bai Singh, W/o Late Santosh Singh, Aged About 39 Years Working As Cook, Presently Posted At Middle School, Dhumanidand, Block Podi Uproda, Distt Korba, (Chhattisgarh)
6. Hirondia Singh Gond, W/o Itwar Singh Gond, Aged About 47 Years Working As Cook, Presently Posted At Government Primary School, Amamuda, Block Podi Uproda, Distt. Korba, (Chhattisgarh)
7. Sukhraj Sidar, S/o Late Shri Rai Singh, Aged About 37 Years Working As Cook, Presently Posted At Primary School, Lalpur, Block Podi Uproda, Distt. Korba, (Chhattisgarh)
8. Puni Ram Singh, S/o Dev Charan Singh, Aged About 30 Years Working As Cook, Presently Posted At Primary School, Koilargadra, Block Podi Uproda, Distt Korba, (Chhattisgarh)
9. Smt. Sukmania, W/o Barelal, Aged About 56 Years Working As Cook, Presently Posted At Primary School, Madiakachhar, Block Podi Uproda, Distt Korba, (Chhattisgarh)

---- Petitioners**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, Distt. Raipur, (Chhattisgarh)
4. The Collector, Korba, Distt. Korba, (Chhattisgarh)
5. District Education Officer, Distt Korba, (Chhattisgarh)

6. Block Education Officer, Podi Uroda, Distt. Korba,
(Chhattisgarh)

---- **Respondents**

For Petitioners : Mr. Anshul R. Shrivastava, Advocate
For State/Respondents : Mr. Avinash Singh, Panel Lawyer and
Mr. R.K. Gupta, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

30/01/2017

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 petitions stand finally disposed of. No order as to costs.

Sd/-

(Sanjay K. Agrawal)
JUDGE

L/-