

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 695 of 2017

1. Smt. Anita W/o Shri Vijay Dewangan Aged About 30 Years Working As Cook Middle School Unchdih Block & Tahsil Surajpur Distt. Surajpur (Chhattisgarh)
2. Smt. Vimla W/o Shri Goverdhan Rajwade Aged About 28 Years Working As Cook Middle School Unchdih Block & Tahsil Surajpur Distt. Surajpur (Chhattisgarh)
3. Smt. Chandramani W/o Sukhlal Ram, Aged About 35 Years Working As Cook Middle School Unchdih Block & Tahsil Surajpur Distt. Surajpur (Chhattisgarh)
4. Smt. Jaimaniya W/o Premchand Rajwade Aged About 50 Years Working As Cook Primary School Unchdih Block & Tahsil Surajpur, Distt. Surajpur (Chhattisgarh)
5. Smt. Narbadiya W/o Budhlal Aged About 30 Years Working As Cook Primary School Unchdih Block & Tahsil Surajpur Distt. Surajpur (Chhattisgarh)
6. Smt. Phoolkunwar W/o Ramavtar Rajwade Aged About 35 Years Working As Cook Primary School Unchdih Block & Tahsil Surajpur Distt. Surajpur (Chhattisgarh)
7. Smt. Phuleshwari W/o Pradhan Aged About 28 Years Working As Cook Primary School Baigapara (Unchdih) Block & Tahsil Surajpur Distt. Surajpur (Chhattisgarh)
8. Smt. Balmati W/o Sobhit Aged About 25 Years Working As Cook Primary School Baigapara (Unchdih) Block & Tahsil Surajpur Distt. Surajpur (Chhattisgarh)
9. Smt. Babita Singh W/o Rajendra Singh Aged About 30 Years Working As Cook Middle School Jhanshi Block & Tahsil Surajpur Distt. Surajpur (Chhattisgarh)
10. Smt. Sunita Singh W/o Dilip Singh Aged About 32 Years Working As Cook Middle School Jhanshi Block & Tahsil Surajpur Distt. Surajpur (Chhattisgarh)
11. Smt. Dipika Singh W/o Charan Singh, Aged About 32 Years Working As Cook Primary School Jhanshi Block & Tahsil Surajpur Distt. Surajpur (Chhattisgarh)
12. Smt. Shyam Bai W/o Manmohan Singh, Aged About 35 Years Working As Cook Primary School Jhanshi Block & Tahsil Surajpur Distt. Surajpur (Chhattisgarh)
13. Smt. Chandrika Bai W/o Hiralal Singh Aged About 35 Years Working As Cook Primary School Harrapara (Jhanshi) Block & Tahsil Surajpur Distt. Surajpur (Chhattisgarh)
14. Smt. Rajmuni W/o Shivnath Singh, Aged About 36 Years Working As Cook Primary School Harrapara (Jhanshi) Block &

Tahsil Surajpur Distt. Surajpur (Chhattisgarh)

15. Smt. Munaro Bai W/o Shri Bahadur Aged About 47 Years Working As Cook Primary School Pasala Block & Tahsil Surajpur Distt. Surajpur (Chhattisgarh)
16. Bahadur S/o Late Goutu Aged About 52 Years Working As Cook Primary School Pasala Block & Tahsil Surajpur Distt. Surajpur (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 School Education Mahanadi Bhawan New Raipur Distt. Raipur (Chhattisgarh)
3. The Directorate, School Education Through , The Director School Education Siksha Parisar Pension Bada, Raipur Distt. Raipur (Chhattisgarh)
4. The Collector, Surajpur, District Surajpur (Chhattisgarh)
5. The District Education Officer, Surajpur, District Surajpur (Chhattisgarh)
6. Block Education Officer, Premnagar Block Premnagar Distt. Surajpur (Chhattisgarh)

---- Respondents

For Petitioner : Mr. A.N. Pandey, Advocate
For Respondents/State : Mr. Prasun Bhaduri, Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal
Order on Board

09/02/2017

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 be 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-charged, 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/-

(Sanjay K. Agrawal)
JUDGE

L/-