

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2028 of 2017

1. Smt. Geeta Bai Sahu W/o Shrawan Sahu, Aged About 37 Years
Occupation - Cook (Govt. Primary School Chakabhata) Aged
About 37 Years R/o Village Chakarbhata Mungeli District Mungeli
Chhattisgarh
2. Smt. Uma Bai Sahu, W/o Chetan Ram Sahu, Aged About 42
Years Occupation - Cook (Govt. Primary School Chakabhata)
R/o Village Chakarbhata Mungeli, District Mungeli Chhattisgarh
3. Smt. Darshani Bai, W/o Shri Shiv Kumar Sahu, Aged About 44
Years Occupation - Cook (Govt. Primary School Chakabhata)
R/o Village Chakarbhata Mungeli District Mungeli Chhattisgarh
4. Smt. Kekti Bai W/o Shatrugan Sahu, Aged About 34 Years
Occupation - Cook (Govt. Primary School Chakabhata) R/o
Village Chakarbhata Mungeli District Mungeli Chhattisgarh

---- Petitioner

Versus

1. Union Of India Through The Secretary Ministry Of Human
Resource 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 Mantralaya, Mahanadi Bhawan, New Raipur, District
Raipur Chhattisgarh
3. Director, Directorate of School Education Shiksha Parisar,
Pension Bada, Raipur, District Raipur Chhattisgarh
4. The Collector, Mungeli, District Mungeli Chhattisgarh
5. District Education Officer, Education District Mungeli, District
Mungeli Chhattisgarh
6. Block Education Officer, Mungeli, Education District Mungeli,
District Mungeli Chhattisgarh

---- Respondents

and

WPS No.2039/2017

1. Smt. Anand Kunwar Bai W/o Hanuman Das Manikpuri, Aged
About 50 Years Occupation - Cook (Govt. Primary School
Tedhadhaura) Aged About 50 Years, R/o Village Tedhadhaura
Mungeli, District Mungeli (Chhattisgarh)

2. Smt. Durpati W/o. Pikuram, Aged About 35 Years Occupation- Cook (Govt. Primary School Tedhadhaura) Aged About 35 Years, R/o Village Tedhadhaura Mungeli, District Mungeli (Chhattisgarh)
3. Smt. Dulari Bai W/o. Shri Santosh Shrivastava, Aged About 45 Years Occupation- Cook (Govt. Primary School Tedhadhaura) Aged About 45 Years, R/o Village Tedhadhaura Mungeli, District Mungeli (Chhattisgarh)
4. Shri Lakhan Sahu, S/o Badku Sahu, Aged About 37 Years Occupation- Cook (Govt. Primary School Tedhadhaura) Aged About 37 Years, R/o Village Tedhadhaura Mungeli, District Mungeli (Chhattisgarh)
5. Smt. Santoshi Bai Yadav W/o Jugutram Yadav, Aged About 35 Years Occupation- Cook (Govt. Primary School Tedhadhaura) Aged About 35 Years, R/o Village Tedhadhaura Mungeli, District Mungeli (Chhattisgarh)

---- Petitioner

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 Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (Chhattisgarh)
3. Director, Directorate Of School Education, Shiksha Parisar, Pension Bada Raipur, District Raipur (Chhattisgarh)
4. The Collector, Mungeli District Mungeli (Chhattisgarh)
5. District Education Officer, Education District Mungeli, District Mungeli Chhattisgarh.
6. Block Education Officer, Education District Mungeli, District Mungeli Chhattisgarh.

---- Respondents

For Petitioners
For Respondent-State

Shri Keshav Dewangan, Advocate
Shri Arvind Dubey, PL

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

28/04/2017

1. Learned counsel for the petitioners submits that the petitioners are working as Cook in different govt. schools in different development blocks and in different districts in the State, however, their grievance is common that they are paid only Rs.1200/- per month i.e. Rs.40 per day as remuneration or salary, whereas according to the notification Annexure P-5, the minimum wages prescribed in the State of Chhattisgarh is Rs.255 per day for skilled labourers, therefore, the petitioners are also entitled for such minimum wage.
2. Counsel for the Petitioners relies upon the judgment of the Supreme Court in the matter of **State of Punjab & Ors. v. 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 representations 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.

Sd/-
Judge
Prashant Kumar Mishra

Nirala