

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 1028 of 2017**

1. Smt. Yashoda Kewat D/o Shri Narendra Kumar Kewat, Aged About 31 Years Gadhpura Singhul, P.O. Kansada, Block Nawagarh, District Janjgir Champa, (Chhattisgarh)
2. Smt. Sirja Bai Kewat, W/o Shri Naresh Kumar Kewat, Aged About 34 Years Village Singhul, P.O. Kansada, Block Nawagarh, District Janjgir Champa, (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, Revenue Department, Mahanadi Bhawan, New Raipur (Chhattisgarh)
3. The Director Public Instructions, Chhattisgarh Indrawati Bhawan, New Raipur (Chhattisgarh)
4. The Head Master, Govt. New Primary School, Singhul, Block Nawagarh, District Janjgir Champa, (Chhattisgarh)

---- Respondents

For Petitioners	:	Shri Anil Mourya, Advocate
For Respondent No.1	:	Shri Rajkumar Gupta, Advocate
For State	:	Shri Syed Majid Ali, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy
Order on Board

01.03.2017

1. Learned counsel for the petitioners would submit that the petitioners are working on the post of Cook in the New Primary School, Block Nawagarh, District – Janjgir-Champa 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, she is entitled for Rs.255/- per day as she is 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 petitioner 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 petitioner is at liberty to make an additional representation, if any.
3. With the aforesaid direction, the writ petition stands finally disposed of.

Sd/-
(P. Sam Koshy)
JUDGE