

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.1122 of 2017**

1. Smt. Manbasiya W/o Jagdev, Aged About 57 Years Working As Cook, Government Middle School, Junapara, Tahsil Surajpur, District Surajpur (Chhattisgarh)
2. Smt. Sushila W/o Ram Singh, Aged About 52 Years Working As Cook, Government Middle School, Junapara, Tahsil Surajpur, District Surajpur (Chhattisgarh)
3. Smt. Gangotri W/o Ramdev, Aged About 37 Years Working As Cook, Government Primary School, Junapara, Tahsil Surajpur, District Surajpur (Chhattisgarh)
4. Smt. Sonati W/o Jai Singh, Aged About 50 Years Working As Cook, Government Middle School, Junapara, Tahsil Surajpur, District Surajpur (Chhattisgarh)
5. Smt. Maheshiya W/o Ramkeshwar, Aged About 31 Years Working As Cook, Government Middle School, Junapara (Salka), Tahsil Surajpur, District Surajpur (Chhattisgarh)
6. Smt. Rajmaniya W/o Prem Sai Aged About 51 Years Working As Cook, Government Primary School, Mudapara, Tahsil Surajpur, District Surajpur (Chhattisgarh)
7. Smt. Parbatiya W/o Late Shri Subaran, Aged About 50 Years Working As Cook, Government Primary School, Mudapara, Tahsil Surajpur, District Surajpur (Chhattisgarh)
8. Sukhmet W/o Budhan Sai, Aged About 51 Years Working As Cook, Government Middle School, Prampachri, Tahsil Surajpur, District Surajpur (Chhattisgarh)
9. Smt. Thakuri Bai W/o Shivkumar, Aged About 46 Years Working As Cook, Government Primary School, Salka (Khaspara), Tahsil Surajpur, District Surajpur (Chhattisgarh).

---- **Petitioners****Versus**

1. State Of Chhattisgarh Through The Secretary, School Education Department, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur (Chhattisgarh)
2. The Director, Directorate Of Public Instructions, Pension Bada, Raipur (Chhattisgarh)
3. The Collector, Surajpur, District Surajpur (Chhattisgarh)
4. The District Education Officer, Surajpur (Chhattisgarh)
5. The Chief Executive Officer, Janpad Premnagar, District Surajpur (Chhattisgarh)
6. 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.

---- **Respondents**

For Petitioners	:	Shri Harish Khutia, Advocate.
For respondent No.6	:	Shri Raj Kumar Gupta, Advocate.
For Respondents/State	:	Shri Shashank Thakur, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****07/03/2017**

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 workcharge, 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.1 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. No order as to costs.

Sd/-
(P. Sam Koshy)
Judge