

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 1184 of 2017**

1. Smt. Madhuri Sahu W/o Hiralal Sahu, Aged About 25 Years Working At Govt. Middle School Badesajapali, P/s Basna, Tahsil Basna, Block Basna, District Mahasamund (Chhattisgarh)
2. Smt. Pilabai W/o Manglu Yadav, Aged About 50 Years Working At Govt. Middle School Badesajapali, P/s Basna, Tahsil Basna, Block Basna, District Mahasamund (Chhattisgarh)
3. Smt. Sushila Sidar W/o Rajendra Sidar, Aged About 30 Years Working As Govt. Primary School Badesajapali, P/s Basna, Tahsil Basna, Block Basna, District Mahasamund (Chhattisgarh)
4. Smt. Daras Bai Banjare W/o Govind Banjare, Aged About 31 Years Working As Govt. Middle School Mungadih, P/s Bhawarpur, Tahsil Basna, Block Basna, District Mahasamund (Chhattisgarh)
5. Smt. Yashoda W/o Parikshit Singh, Aged About 43 Years Working As Govt. Primary School Nehru Nagar, P/s Basna, Tahsil Basna, Block Basna, District Mahasamund (Chhattisgarh)
6. Parwati Sidar W/o Santosh Sidar, Aged About 27 Years Working As Govt. Primary School Khekhalli Deepa, P/s Basna, Tahsil Basna, Block Basna, District Mahasamund (Chhattisgarh)
7. Smt. Sunita Sidar, W/o Amar Sidar, Aged About 30 Years Working As Govt. Primary School Amlitika, P/s Basna, Tahsil Basna, Block Basna, District Mahasamund (Chhattisgarh)
8. Hembai Nirala W/o Chhatram Nirala, Aged About 61 Years Working As Govt. High School Mungadih, P/s Basna, Tahsil Basna, Block Basna, District Mahasamund (Chhattisgarh)
9. Smt. Samarin Bai Sonwani W/o Gangaram Sonwani, Aged About 35 Years Working As Govt. Primary School Mungadih, P/s Bhawarpur, Tahsil Basna, Block Basna, District Mahasamund (Chhattisgarh)
10. Smt. Radhika Bai W/o Gopal Das, Aged About 29 Years Working As Govt. Primary School Amlitikra, P/s Basna, Tahsil Basna, Block Basna, District Mahasamund (Chhattisgarh)
11. Desh Ram Bhardwaj S/o Jeet Ram Bhardwaj, Aged About 32 Years Working As Govt. Primary School Mungadih, P/s Bhawarpur, Tahsil Basna, Block Basna, District Mahasamund (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 Secretary, Department Of Schools Education Development, Mantralay, Mahanadi Bhawan, Police Station Mandir Hasaud, New Raipur (Chhattisgarh)
3. Director, Lok Sikshan Sanchanalaya, Indrawati Bhawan, New Raipur, Distt. Raipur (Chhattisgarh)
4. Secretary, Labour Officers, Indrawati Bhawan New Raipur, District Raipur (Chhattisgarh)

5. Collector, Mahasamund District Mahasamund (Chhattisgarh)
6. District Education Officer, Mahasamund District Mahasamund (Chhattisgarh)
7. Labour Office Mahasamund District Mahasamund (Chhattisgarh)
8. Block Education Officer, Basna, District- Mahasamund, Chhattisgarh

----Respondents

For Petitioner:	Mr. Amit Sharma, Advocate
For U.O.I.:	Mr. Ashani Shukla, Advocate
For State :	Mr. Bhaskar Pyasi, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order on Board

09.03.2017

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.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/-

(P. Sam Koshy)
JUDGE