

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 7102 of 2016

1. Krishna Ram Dhiwar S/o Late Amoli Dhiwar, Aged About 50 Years R/o Village Thengabhat, Block Dhamdha, District Durg Chhattisgarh
2. Rajulal Dhiwar S/o Krishna Dhiwar, Aged About 36 Years R/o Village Thengabhat, Block Dhamdha, District Durg Chhattisgarh
3. Smt. Ashwani Bai W/o Panchu Yadav, R/o Village Thengabhat, Block Dhamdha, District Durg 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 Education, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur (Chhattisgarh)
3. Directorate, School Education, Through : The Director, School Education, Shiksha Parisar, Pension Bada, Raipur, District Raipur (Chhattisgarh)
4. Block Education Officer, Dhamdha, District Durg, (Chhattisgarh)
5. Government Primary School, Thengahat, Through: The Head Master, Government Primary School, Thengabhat, Block Dhamdha, District Durg, (Chhattisgarh)
6. State Of Chhattisgarh, Through : Secretary, Department Of Finance, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Sourabh Sharma, Advocate.
For Respondent No. 1	:	Shri Raj Kumar Gupta, Standing Counsel
For Respondent No. 2 to 6	:	Shri Dhiraj Wankhede, G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

02/01/2017

1. Learned counsel for the petitioners would submit that the petitioners are working on the post of Cook in the Govt. Primary School, Thengabhat, Block Dhamdha, District Durg 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 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 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

