

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 2898 of 2018**

1. Domar Singh Sahu S/o Shri Ramadhar Sahu Aged About 43 Years Working As Cook, Govt. Primary School, Mawlipara, Tahsil- Narharpur, District- North Bastar, Kanker, Chhattisgarh.
2. Dwarika Prasad Poya S/o Shri Rupau Ram Poya Aged About 31 Years Working As Cook, Middle School, Danwarkhar, Tahsil- Narharpur, District- North Bastar, Kanker, Chhattisgarh.
3. Sandeep Kumar Poya S/o Balang Ram Poya Aged About 35 Years Working As Cook, Govt. Middle School, Danwarkhar, Tahsil- Narharpur, District- North Bastar, Kanker, Chhattisgarh.
4. Gokul Vishwakarama S/o Shri Sagauram Aged About 30 Years Working As Cook, Middle School, Karap Tahsil- Narharpur, District- North Bastar, Kanker, Chhattisgarh.
5. Than Singh Yadav S/o Late Shri Sonsai Yadav Aged About 48 Years Working As Cook, Govt. Primary School, Bharipara (Karap), Tahsil- Narharpur, District- North Bastar, Kanker, 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, School Education Department, Mahanadi Bhawan, Mantralaya, New Raipur, District- Raipur, Chhattisgarh.
3. The Director, Directorate of Public Instructions, Pension Bada, Raipur, Chhattisgarh.
4. The Collector, Kanker, District- North Bastar Kanker, Chhattisgarh.
5. The District Education Officer, Kanker, District North Bastar, Kanker, Chhattisgarh.
6. The Block Education Officer, Narharpur, District North Bastar, Kanker, Chhattisgarh.

---Respondents

For petitioners	:	Shri Anurag Shrivastava, Advocate.
For Respondent No.1	:	Shri Rajkumar Gupta, Advocate
For Respondent/State	:	Shri Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****09/04/2018**

1. Learned counsel for the petitioners submits that the petitioners are working as cook in different Government Schools in Block Narharpur, District

North Bastar, Kanker (C.G.), 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-2 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. 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 be 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-charged, 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."

3. 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.

4. With the aforesaid direction, the writ petition stands finally disposed of.

Sd/-

(P. Sam Koshy)
JUDGE