

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No. 4821 of 2018

1. Ramkumari W/o Jagkaran Aged About 46 Years R/o Village- Jamoni, Polis Station And Post Office Dhaurpur, District- Surguja, Chhattisgarh, At. Present Working In Govt. Middle School, Jamoni Block, Lundra, District- Surguja, Chhattisgarh.
2. Subo Pawle W/o Late Ghurau Aged About 55 Years R/o Village- Jamoni Police Station And Post Office Dhaurpur, District- Surguja, Chhattisgarh At Present Working In Govt. Primary School, Jamoni, Block Lundra, District- Surguja, Chhattisgarh.
3. Champa Shandilya W/o Ravindra Aged About 30 Years R/o Dundu, Police Station And Post Office, Dhaurpur, District- Surguja, Chhattisgarh. At. Present Working In Govt. Middle School, Dundu, Block, Lundra, Chhattisgarh.
4. Bundo W/o Nagarsai Aged About 40 Years R/o Village Bilhama, Police Station Dhaurppur Post Office Babauli, District- Surguja, Chhattisgarh At Present Working In Govt. Primary School, Korwapara, Block, Lundra, District- Surguja, Chhattisgarh.
5. Raimuni W/o Jagat Aged About 29 Years R/o Village Bilhama, Police Station Dhaurppur, Post Office Babauli, District. Surguja, Chhattisgarh At Present Working In Govt. Primary School Jobhapara, Block, Lundra, District- Surguja, Chhattisgarh.
6. Shreeram Maravi S/o Shivnath Aged About 30 Years R/o Village Bilhama, Police Station Dhaurppur, Post Office Babauli, District- Surguja, Chhattisgarh At Present Workin In Govt. Primary School, Daripara, Block, Lundra, District- Surguja, Chhattisgarh.
7. Kusum W/o Duhan Aged About 29 Years R/o Village Bilhama, Police Station Dhaurppur, Post Office Babauli, District- Surguja, Chhattisgarh, At Present Working In Govt. Primary School, Jobhapara, Block, Lundra, District- Surguja, Chhattisgarh.
8. Dashmet Bai W/o Late Saniyar Aged About 35 Years R/o Village Chirga, Police Station And Post Office Laundra, District- Surguja, Chhattisgarh At. Present Working In Govt. Primary, School, Bahrapara, Block, Lundra, Chhattisgarh.
9. Karmen W/o Bitanram Aged About 45 Years R/o Village Khalpodi, Police Station And Post Office Launra, District- Surguja, Chhattisgarh At. Present Working In Govt. Primary, School, Ganwatiapara, Block, Lundra, Chhattisgarh.
10. Pyajo Bai W/o Khilar Ram Aged About 44 Years R/o Village Dahauli, Police Station And Post Office Lunra, District- Surguja, Chhattisgarh At. Present Working In Govt. Primary, School, Dahauli, Block, Lundra, Chhattisgarh.

11. Rajmen Bai W/o Late Khiru Ram Aged About 55 Years R/o Village Babauli, Police Station Dhaupur, Post Office Babauli, District- Surguja, Chhattisgarh At. Present Working In Govt. Middle, School, Babauli, Block, Lundra, Chhattisgarh.
12. Satan S/o Late Bagchand Aged About 45 Years R/o Village Bilhma, Police Station Dhaupur, Post Office Babauli, District- Surguja, Chhattisgarh At. Present Working In Govt. Middle, School, Bilhma, Block, Lundra, Chhattisgarh.
13. Prakash Singh S/o Kariman Aged About 50 Years R/o Village Jori, Police Station Dhaupur, Post Office Babauli, District- Surguja, Chhattisgarh At. Present Working In Govt. Middle, School, Jori, Block, Lundra, Chhattisgarh.
14. Jagmohan Singh S/o Late Bhutkul Aged About 50 Years R/o Village Bilhma, Police Station Dhaupur, Post Office Babauli, District- Surguja, Chhattisgarh At. Present Working In Govt. Middle, School, Bilhma, Block, Lundra, Chhattisgarh.
15. Gawantia S/o Ramjan Ram Aged About 45 Years R/o Village Bilhma, Police Station Dhaupur, Post Office Babauli, District- Surguja, Chhattisgarh At. Present Working In Govt. Primary, School, Bilhma, Block, Lundra, Chhattisgarh.

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Versus

1. Union Of India Through The Secretary Ministry Of Human Resources Development, Education Department, Mid Day Meal Scheme, Shastri Bhawan, New Delhi.
2. State Of Chhattisgarh Through The Seeretary Education Department, Mahanadi Bhawan, New Raipur, Chhattisgarh.
3. Directorate School Education Department Through The Director, School Education, Shiksha Parisar, Pension Bada, Raipur, Chhattisgarh.
4. Collector Surguja, District- Surguja, Chhattisgarh.
5. District Education Officer Ambikapur, District- Surguja, Chhattisgarh.
6. Block Education Officer Block Lundra, District- Surguja, Chhattisgarh.

---- Respondents

For Petitioner : Ms. Prinyanka Mehta, Advocate

For Respondents : Shri R.K. Gupta, Deputy Advocate General

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

27.07.2018

1. Learned Counsel for the Petitioners submits that the Petitioners are working on the post of Cook in different Government Schools at Block Lundra, District Surguja 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 labourers.
2. Learned Counsel for the Petitioners relies upon the judgment of the Supreme Court in the matter of **State of Punjab & Ors. v. 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 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.”

3. Learned Counsel for the Petitioners and learned Deputy Advocate General further agreed that the issue involved in the present case is squarely covered by the order of this Court in **Writ Petition (S) No. 2152 of 2018** decided on 08.03.2018. The present Writ

Petition may be disposed off in accordance with aforesaid order dated 08.03.2018.

4. 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 pass a reasoned order in accordance with law on its own merit.
5. The Petitioners are at liberty to make additional representation, if any.
6. With the aforesaid direction, the present Writ Petition stands finally disposed of.

Sd/-

(Sharad Kumar Gupta)
JUDGE