

**IN THE HIGH COURT OF JUDICATURE FOR THE STATE OF
TELANGANA
HON'BLE SRI JUSTICE NAGESH BHEEMAPAKA**

**REVIEW I.A.Nos.1 of 2025
IN
WRIT PETITIONS No. 32153, 34171 AND 34768 OF 2024**

24.02.2026

Between:

The Director of School Education,
Hyderabad, Telangana State

..... Petitioner

And

Telangana Government Madhyana Bhojana
Vanta Karmikula Sangam & others

..... Respondents

ORDER:

These Applications are taken out to review the order passed in Writ Petitions No. 32153, 34171 and 34768 of 2024, dated 24.02.2025 whereby this Court directed respondent authorities to consider the case of writ petitioners for payment of Rs.17,000/- per month, which is the minimum consolidated pay of a contingent worker.

2. Writ petitioners are members of Telangana Government Madhyanna Bhojana Vantaka Sangham, a registered trade union under the Trade Union Act with registration No.H25/TS/2014. Their grievance is that they are working as cook-cum-helpers in the mid-day meals scheme of

government and their job involves cutting vegetables, cleaning vessels, preparing breakfast, lunch and serving food to students and other incidental work. These tasks have been carried out by petitioners strictly as per the guidelines in G.O.Ms 94, Education, (SE Programme-1) Department, dated 25-11-2002.

2.1. It is stated, despite letter dated 14-02-2018 being issued to the 1st respondent by the Commissioner of Labour, stating that petitioners have to be paid Rs.8000/- per month, the 1st respondent paid honorarium of Rs.3000/- only by issuing G.O.Ms No.8 School Education (Programme-II) Department dated 03-02-2023. However, similarly-situated persons are being paid wages in other States from Rs.12,000/- to Rs.12,500/- and as per G.O.Ms. No. 51 Finance (HRM.4), dated 11-06-2021 issued by the 1st respondent, pay scales fixed for the category of cook is Rs.27,130/- - Rs.80,960/- and the same is not followed in the case of petitioners. They further contended that even as per the judgment in ***State of Punjab v. Jagjit Singh***¹, they are entitled to 'equal pay for equal work'.

3. On the other hand, the case of respondents is that Mid-day Meals Scheme is a central sponsored scheme with 60:40 sharing of funds between the Central Government and the State Government; the Central Government fixed the

¹ (2017) 1 SCC 148

honorarium to the cooks-cum-helpers (CCH) at Rs.1000/- per month and the State Government is paying additional amount of Rs.2000/- which is over and above the amount paid by the Central Government. Normal working hours of the regular employee is eight hours per day and forty eight hours per week, but in the case of petitioners, they work only two to three hours in a day, that too ten months in a year. It is a scheme designed with an object to cater to the children who study in the government school, therefore, it cannot be compared with regular Cooks-cum-Helpers of the other institutions. The Scheme itself is self-explanatory and therefore, the terms cannot be deviated.

4. After considering all the pleadings, this Court, relying upon the judgment in ***Jagjit Singh's case*** and other similar judgments, opined that there is a rationale in the relief sought by petitioner and directed respondents to consider the case of writ petitioners for payment of Rs.17,000/- per month.

5. The 3rd respondent - Director of School Education, sought review of the said order on the ground that petitioners were engaged for implementing Midday Meals Scheme in pursuance of G.O.Ms. No.94 dated 24-11-2002; the Scheme is being implemented by the implementing agency under whom petitioners are working and that there is no employer-employee

relationship existing between respondents and writ petitioners. It is contended that the relief sought by writ petitioners is against implementing agency which does not come under the definition of State under Article 12 of the Constitution. The judgment rendered in **Jagjit Singh's case** pertains to the casuals and contract labour directly engaged by the employer.

5.1. It is pointed out that the error apparent on the face of the record is inadvertently since the Council has not brought to the notice of the Court that there is no employer-and-employee relationship and the Scheme has to be implemented as per G.O.Ms. No 94, therefore on that presumption, this Court directed the government to pay Rs.17,000/- per month to writ petitioners.

6. Heard Sri S. Rahul Reddy, learned Special Government Pleader for review petitioner and Sri M. Vijaya Kumar Goud, learned counsel for respondents – writ petitioners.

7. After going through the review grounds as well as material filed along with it, it is to be seen, in the order under review, based on the rationale in the judgment in **Jagjit Singh's case** (supra), this Court, in a holistic perspective, was of the view that petitioners' pay cannot be lower than the consolidated salary to a contingent / contract employee and in view of the submission of learned counsel for petitioners that

contingent workers in the State of Telangana are being paid Rs.17,000/- per month, respondent – authorities were directed to consider the case of petitioners on par with the contingent workers. To come to such a conclusion, this Court observed that though the services rendered by petitioners may not be equated with that of the full-time cook-cum-helpers of residential / welfare hostels established and run by the Government on a permanent basis, in a one-to-one correspondence manner, this Court is of the view that petitioners are rendering services in a scheme of exigent nature which is the need of the hour to increase enrolment and retention and ensure nutritious food to children; petitioners therefore, can be paid on a similar footing as of a contingent worker employed due to exigency of manpower services.

8. At this stage, in view of the contentions of learned Special Government Pleader, it is beneficial to have a look at the precedent laid down in ***Jagjit Singh's case***. It is held therein that temporary employees possessing requisite qualifications and appointed against posts which were also available on regular cadre, performing similar duties and responsibilities as being discharged by regular employees holding same / corresponding posts, were entitled to claim wages on a par with minimum pay scale of regular employees

holding the same posts. But, here, in this case, it is to be observed that cook-cum-helpers are employees of implementing agency selected under the mid-day meal scheme as per G.O.Ms.No. 94, dated 25.11.2002; as per the guidelines of the said G.O., the implementing agency is to lift rice, purchase the required ingredients, procure cooking vessels and arrange for cooking of food by its members and supply cooked meal to children and such agency is responsible for payment of wages to its workers engaged by it as part of the Scheme. Learned Special Government Pleader submits that mid-day meal Scheme is the scheme designed with an object to cater to the children who study in the government school, therefore, it cannot be compared with regular Cooks-cum-Helpers of the other institutions. The Scheme itself is self-explanatory and therefore, the terms cannot be deviated. In view of the same, this Court holds that there is no employer-employee relationship between government and writ petitioners. Another factor to be noted is the implementing agencies are self-help groups and they do not come within the meaning of 'State' under Article 12 of the Constitution. Furthermore, admittedly, writ petitioners attend the schools for preparation of meals to the students and work for 3 to 4 hours per day on all working days, hence, they will not cover even under the Minimum Wages Act and the Rules framed

thereunder, which stipulate minimum nine working hours for adults.

9. In view of the fact that the mid-day meal scheme being implemented by the Government under G.O.Ms. No. 94, Education (SE Programme-I) Department, dated 25.11.2002, is through an Implementation Agency, and there being no employer-employee relationship between the petitioners and the Government, the direction of this Court to pay Rs.17,000/- per month to the petitioners, being an error apparent on the face of the record, the review applications deserve to be allowed. Further, considering the submission of learned Special Government Pleader that they would advance their arguments in the matter to give finality to the issue, this Court is inclined to restore the writ petitions for hearing.

10. Accordingly, the review applications are allowed, and the writ petitions stand restored for hearing.

11. Consequently, the miscellaneous Applications, if any shall stand closed.

NAGESH BHEEMAPAKA, J

24th February 2026

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