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HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No.4672 of 2022

Jaylal Netam S/o Ramlal Aged About 37 Years Working As Cook Government Middle School Amgaon Block Baderajpur, R/o Village Amgaon, Tahsil And Block Bade Rajpur District Kondagaon Chhattisgarh., District : Kondagaon, Chhattisgarh

---- Petitioner

Versus

1. Union Of India Through The Secretary Ministry Of Human Resources Development , Department Of School Education And Literacy , Mid Day Meal Division, Shashtri Bhawan, New Delhi., District : New Delhi, Delhi

2. State Of Chhattisgarh Through The Secretary, Department Of Education Mahanadi Bhawan, Mantralaya Naya Raipur , District Raipur Chhattisgarh.

3. The Secretary Department Of Finance Mahanadi Bhawan, Mantralaya Naya Raipur , District Raipur Chhattisgarh.

4. The Director School Education Directorate School, Education , Shiksha Parisar, Pension Bada, Raipur, District Raipur Chhattisgarh.

5. District Education Officer District Kondagaon, Office Of District Education, Thana And Tahsil Kondagaon, District Kondagaon Chhattisgarh.

6. Block Education Officer Block Officer At Bade Rajpur District Kondagaon Chhattisgarh.

.....Respondents

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For Petitioner	:	Mr. N.K. Malviya, Advocate
For Union of India	:	Mr. Rishabh Singh Deo, Advocate
For the State	:	Mr. Ravi Bhagat, Govt. Advocate

Hon'ble Mr. Justice Parth Prateem Sahu

Order On Board

07/11/2022

1. Learned counsel for petitioner would submit that petitioner is working as 'Cook' under Mid-Day Meal Scheme formulated by respondent No.1 & 2. Petitioner is being paid Rs.40/- per day

as wages and not at the rate fixed by the Collector. Identical issue came up for consideration in WPS No.291/2022 and Co-ordinate Bench of this Court disposed of the same vide order dated 19.1.2022 directing respondent No.2 therein to consider and decide representation to be submitted by petitioner therein expeditiously within stipulated time. Learned counsel for petitioner herein submits that this writ petition may also be disposed of in terms of aforementioned order dated 19.1.2022.

2. Learned counsel representing respective respondents submit that they do not have any objection to limited prayer made by learned counsel for petitioner.

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3. Heard learned counsel for parties and perused documents filed along with writ petition.

4. WPS No.291/2022, parties being Johar Lal v. Union of India & ors, came to be disposed of on 19.1.2022 by following order;-

> “1. Learned counsel for the petitioner would submit that the petitioner is working on the post of Cook in the Government Middle School, Hitapathar and he is being paid only Rs.1200/ per month i.e. Rs.40/ per day, whereas, according to the schedule Annexure P/2, minimum wages prescribed by the Chhattisgarh Minimum Wage, he is entitled for Rs.306.67/- per day. 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 judgements 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 herein above. 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 herein-above. The above legal position which has been repeatedly declared, is being reiterated by us, yet again”.

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2. In view of the above, respondent No.2 is directed to consider the representation of the petitioner 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 petitioner is at liberty to make an additional representation, if any.

3. With the aforesaid direction, the writ petition stands finally disposed off.”

5. Considering the facts and circumstances of case and submission of learned counsel for respective respondents that they are not having any objection to limited prayer of learned

counsel for petitioner that this writ petition may also be disposed of in terms of the order dated 19.1.2022 passed in WPS No.291/2022, this writ petition stands disposed of permitting petitioner to submit representation before respondent Nos.1 & 2 within three weeks from today, for redressal of his grievance as projected in this writ petition. On making such representation, respondent No.1 & 2 are directed to consider and decide the same in accordance with law within an outer limit of three months from the date of its receipt, keeping in mind decision of Hon'ble Supreme Court in case of **State of Punjab & ors v. Jagjit Singh & ors,** reported in **(2017) 1 SCC 148.**

6. Certified copy as per rules.

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Sd/-
(Parth Prateem Sahu)
Judge

roshan/-