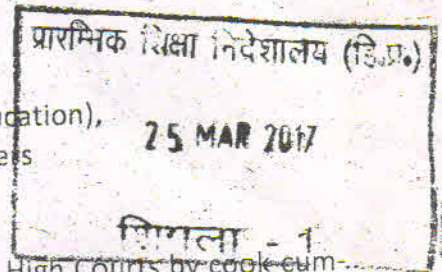


No.EDN-H (EE) (4)4- 17/2016-17 Demand MDM Worker
Directorate of Elementary Education
Himachal Pradesh
Dated; Shimla-171001

the March, 2017

To

1. All the Deputy Directors (Elementary Education),
2. All the Block Elementary Education Officers
Himachal Pradesh.



Subject: -


Regarding Writ Petitions filed in various High Courts by cook-cum-
helpers of Mid Day Meal Scheme.

Sir/ Madam,

Find enclosed herewith the copy of D.O. No.10-8/2012-EE-5 (MDM 1-2) dated 3.3.2017 of the Government of India , Ministry of Human Resource Development, New Delhi received through the Principal Secretary (Education) to the Government of Himachal Pradesh vide letter No. EDN-C-E (3) 13/2013 dated 10.3.2017 on the subject cited above.

You are therefore requested to circulate these instructions of Government of India to all the field functionaries up to school level for information and necessary action.

Encls: As above



DIRECTOR
March, 2017

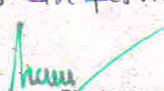
Endst. No. Even Dated Shimla-171001

Copy for information & necessary action to :-

1. The Joint Secretary (EE I) Government of India , Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi-110115 w.r.t his above referred for information please.
2. The Principal Secretary (Education) to the Government of HP Shimla -171002 w.r.t his above referred please w.r.t his above referred for information please.
3. The Director (MDM), Government of India , Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi-110115 w.r.t his above referred for information.
4. Guard file.

Endst. No. EDN-UCG-II)Ele/MDM/-7919-8/87 ✓
Office of the
Dy. Director Elem. Education
Una, Distt. Una (HP)
Dated:- 07/04/17
DIRECTOR


Copy is forwarded to all the Pr/HM/Incharges of GSS/ GNS/GMS in Distt. Una for information and necessary action.
② All the BEOs in Distt. Una (HP) for information and necessary action.


Dy. Director Elementary Education
UNA, Distt. Una (H.P.)

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MOST URGENT

No. EDN-C-E(3)13/2013
Government of Himachal Pradesh
Department of Elementary Education

From:

The Pr. Secretary (Education) to the
Government of Himachal Pradesh

To

The Director Elementary Education,
Himachal Pradesh, Shimla-171001.

Dated Shimla-171002, the

10-3-2017

Subject:-

Regarding Writ Petitions filed in various High Courts by cook-cum-helpers of Mid Day Meal Scheme.

Sir,

I am directed to enclose herewith photocopy of D.O.No.10-8/2012-EE-5(MDM-1-2) dated 03-03-2017 received from the Joint Secretary, Government of India, Ministry of Human Resource Development, Department of School Education & Literacy, New Delhi on the subject cited above and to request you to go through the contents of GOI's above referred letter and take further necessary action in this behalf accordingly.

Yours faithfully,

(Ved Bhushan Sugyan)
Deputy Secretary (Ele. Edu.) to the
Government of Himachal Pradesh.
Phone No. 0177-2628929, 2880877

Endst. No. As above Dated Shimla 171002, the

Copy forwarded to the Joint Secretary (EE I), Government of India, Ministry of Human Resource Development, Department of School Education and Literacy Shastri Bhawan New Delhi-110115 w.r.t. his above referred letter for information.

(Ved Bhushan Sugyan)
Deputy Secretary (Ele. Edu.) to the
Government of Himachal Pradesh.
Phone No. 0177-2628929, 2880877

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Ajay Tirkey I.A.S
Joint Secretary (EE I)

Ph: 011-23389247
Fax: 011-23381867

भारत सरकार
मानव संसाधन विकास मंत्रालय
स्कूल शिक्षा और साक्षरता विभाग
शास्त्री भवन

नई दिल्ली - 110 115
GOVERNMENT OF INDIA

MINISTRY OF HUMAN RESOURCE DEVELOPMENT
DEPARTMENT OF SCHOOL EDUCATION & LITERACY
SHASTRI BHAVAN
NEW DELHI-110 115

D.O. No. 10-8/2012-EE-5(MDM-1-2)
03rd March, 2017

Dear En. Shiman,

It has been observed that a number of Writ Petitions have been filed in various High Courts by cooks-cum-helpers of Mid-day Meal demanding pay under the Minimum Wages Act 1948; supply of uniforms; social security measures like insurance cover; issue of appointment letters; permanent status as Group 'D' employees of State Government, medical and maternity leave and other better service conditions.

2. In this connection, it may be mentioned that the Central Government has prescribed norms for engagement of CCHs as follows. One CCH for schools up to 25 students; two CCHs for schools with 26 to 100 students; and one additional CCH for every addition of up to 100 students. The Central Government has also prescribed the amount of honorarium to CCH @ Rs.1000 per CCH per month payable for 10 months. The States can however give more amount of honorarium from their own resources.

3. Apart from the above, it is for the State Governments to engage the CCHs under their own terms and conditions. In other words, the engagement and service conditions of CCHs come under the purview of the State Governments only. In view of this, the writ petitions filed by the CCHs have to be defended by the State Governments if the demand is for more honorarium and other better service conditions.

4. As regards the demand for minimum wages to CCHs under the Minimum Wages Act 1948, they are being paid honorarium as they are part-time workers only. In view of this, they cannot be paid wages for the whole day under the said Act. In this regard, it is pertinent to refer to the Judgment of Hon'ble Punjab and Haryana High Court in the CWP No. 14796 of 2003 of Avtar Singh vs. State of Punjab and others delivered on 11.11.2011. Relying upon its earlier judgment in CWP No. 9760 of 2012 of the Class IV Employee Union of Education Department (Cooks) engaged by Punjab Government, the Hon'ble High Court of Punjab & Haryana has decided that in cases of cooks who are getting honorarium under Mid-day Meal Scheme, they are employed under a contract which is governed by the terms and conditions of the service of that contract and as such, they cannot



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Mid Day Meal Scheme

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claim equal pay on the basis of equal work. This is a part time job as only one mid-day meal has to be cooked on a school day. Therefore, the cook-cum-helpers cannot be paid honorarium equivalent to the minimum wages given to labourers. This Ministry has already brought the above judgement to the attention of all States/UTs *vide* letter of even number dated 11th September 2012 requesting them to rely in defending the cases filed by CCHs. (copy enclosed).

Encl: as stated

With Best Wishes

Yours sincerely,



(Ajay Tirkey)

Shri R.D.Dhiman I.A.S
Principal Secretary (Education)
Govt of Himachal Pradesh
Dept of Education
Secretariat
SHIMLA - 171 002