

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2556 of 2016

- Naresh Kumar Verma S/o Late Lakhan Singh Verma, Aged About 49 Years Working As Assistant Grade- Iii, At Nagar Panchayat, Dongargaon, District- Rajnandgaon (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through- Its Secretary, Department Of Urban Administration And Development, Mantralaya, Mahanadi Bhawan, Naya Raipur (Chhattisgarh)
2. The Director, Department Of Urban Administration & Development, Chhattisgarh, H. Q. - 4th Floor, Indrawati Bhawan, Naya Raipur (Chhattisgarh)
3. The Joint Director, Urban Administration & Development, Regional Office, Durg Division, Durg (Chhattisgarh)
4. Nagar Panchayat Dongargaon, Through- The Chief Municipal Officer, District- Rajnandgaon (Chhattisgarh)
5. The Chief Municipal Officer, Nagar Panchayat, Dongargoan, District- Rajnandgaon (Chhattisgarh)

---- Respondents

For Petitioner : Mr. R.K. Kesharwani, Advocate
For State/Res. No.1 to 3 : Mr. Dheeraj Wankhede, Government Adv.
For Res. Nos. 4 & 5 : Mr. Sangharsh Pandey, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Oral Order

05/08/2016

Heard.

1. Learned counsel for the petitioner submits that even though the petitioner is working as In-charge Accountant since long time and there is vacancy and the petitioner is also eligible for consideration of promotion, his claim has been rejected by the impugned order passed by respondent No.5 only on the ground that the Government has directed not to fill up the posts.
2. On the other hand, learned State counsel submits that though the Government has earlier directed for the time being, not to fill up the

post of Accountant, but now there is standing direction of the State Government to fill up the post of Accountant by way of direct recruitment.

3. The post of Accountant in the Local Body including Nagar Panchayat is to be filled up in accordance with the applicable Recruitment Rules framed in the Municipalities Act known as Chhattisgarh Municipal Service (Salary & Allowances), Rules, 1967 (for short, 'the Rules, 1967'). As per Schedule – 3 referable to Rule 6, post of Accountant is required to be filled up from amongst the category of Clerks. The post, for which, direct recruitments are required to be made, have been especially made in recruitment clause, therefore, as per the Policy, the post of Accountant is to be filled up by way of selection from amongst the category of Clerks.
4. The petitioner is working as Assistant Grade – III, therefore, he is also entitled for consideration for appointment to the post of Accountant, though only upon selection to that post. According to the Rules, the selection on the post of Accountant is to be made from amongst the category of clerks, therefore, the post of Accountant cannot be filled up by way of direct recruitment.
5. The impugned memo shows that for the time being, the State Government directed not to fill up the posts. As per Section 94 of the C.G. Municipalities Act, 1961, posts have been created by the State Government. The State Government, though created the posts, has insisted the Local Body not to fill up the posts, therefore, at this stage, no direction can be issued. However, as and when decision is issued to fill up the post of Accountant, the same will have to be filled up in accordance with provisions in Schedule – III,

Clause – 6 of the Rules, 1967 i.e. by way of selection from amongst the category of Clerks working in the Local Body.

6. Post of Accountant is an important post in every establishment, therefore, all attempt should be made to fill up the posts of Accountant on regular basis strictly as per Recruitment Rules. The practice to continue adhocism without considering promotion to higher posts by way of selection as prescribed under the Rules, should not be followed indefinitely.
7. This petition is accordingly finally disposed off with a direction that concerned Nagar Panchayat shall seek prior approval of the State Government to fill up the post of clerks and thereafter it shall fill up the posts of Accountant as per provisions prescribed in Clause – 6 of Schedule – III of the Rules, 1967.

Sd/-
(Manindra Mohan Shrivastava)
Judge