

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2993 of 2016

Tej Ram Patel S/o Palu Ram Patel, Aged About 45 Years Posted As
Teacher (Panchayat) At Govt. Middle School Kanshichuwan, Post
Dongitarai, District Raigarh, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through: Secretary, Panchayat & Rural
Development, Mahanadi Bhawan, Mantralaya, New Raipur, District
Raipur, (Chhattisgarh)
2. Collector, Raigarh, District Raigarh, (Chhattisgarh)
3. Chief Executive Officer, Zila Panchayat, Raigarh, District Raigarh,
(Chhattisgarh)

---- Respondents

For Petitioner	: Ms. Hamida Siddiqui, Advocate
For Respondent-State	: Mr. R.K. Gupta, Dy. A.G.

S.B.:Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

19/07/2016

Heard on admission.

1. The petitioner has filed this petition seeking a direction for grant of seniority on the post of Shiksha Karmi Grade -II with effect from 2006 when number of Shiksha Karmis Grade-III were promoted as Shiksha Karmi Grade-II.
2. The petitioner had earlier filed a petition in the year 2005 registered as WP No.6353 of 2005 claiming seniority on the post of Shiksha Karmi

Grade -III. During the pendency of that petition, number of Shiksha Karmis Grade-III were promoted as Shiksha Karmi Grade-II in the year 2006. The petitioner, however, withdrew his writ petition with liberty to approach authorities in the light of circular dated 22.08.1998. The petition was eventually dismissed as withdrawn on 18.10.2011. Thereafter, an order was passed on 29.12.2011 granting seniority to the petitioner with effect from 06.02.1999. Though without any benefits of actual pay. This grant of seniority entitled the petitioner for consideration for promotion to the post of Shiksha Karmi Grade-II with effect from the date promotion was granted to all those Shiksha Karmis Grade-III who were appointed after 06.02.1999, subject to petitioner's fitness for promotion as per rules. However, the respondent promoted the petitioner as Shiksha Karmi Grade-II (now its delegated as 'Teacher Panchayat') vide order dated 23.08.2013.

3. The grievance of the petitioner is that once seniority was granted to him as Shiksha Karmi Grade-III with effect from 06.02.1999, the petitioner's claim for promotion as Shiksha Karmi Grade-II with effect from the date juniors were promoted should be considered.
4. The claim of the petitioner does not appear to be frivolous. Once seniority has been granted from 06.02.1999, the consequence would be that the petitioner would be entitled to claim for seniority as Shiksha Karmi Grade-II from the date juniors Shiksha Karmis Grade-III were promoted as Shiksha Karmi Grade-II. This, however, would be subject to petitioner's fitness for promotion as per rules.
5. The petitioner has already ventilated his grievance before respondent No.3, who is competent to consider the matter. Instead of keeping this matter pending, it would be appropriate at this stage to dispose off this petition with a direction to consider petitioner's claim for seniority as Shiksha Karmi Grade-II, subject to fitness, from the date promotion was granted to those Shiksha Karmis Grade-III who were appointed after 06.02.1999. The respondent No.3 shall decide the claim of the petitioner

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and pass a speaking order within a period of two months from the date of receipt of copy of this order.

6. With the aforesaid direction, the petition is disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Rekha