

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5363 of 2016

1. Benimadhav Singh S/o Ganga Singh, Aged About 47 Years Working As Assistant Teacher (Panchayat), Government Primary School, Golhendih (Babusajbahar), Block Farsabahar, District Jashpur (Chhattisgarh)
2. Guleshwar Ram S/o Kuhru Ram, Aged About 47 Years Working As Assistant Teacher (Panchayat), Government Primary School, Farsatoli, Block Farsabahar, District Jashpur (Chhattisgarh)
3. Bhupendra Nath S/o Lundaru Ram, Aged About 43 Years Working As Assistant Teacher (Panchayat), Government Primary School, Fittingpara (Ankira), Block Farsabahar, District Jashpur (Chhattisgarh)
4. Padam Lochan Ram S/o Tilak Ram, Aged About 39 Years Working As Assistant Teacher (Panchayat), Government Primary School, Kuchmunda (Ankira), Block Farsabahar, District Jashpur (Chhattisgarh)
5. Surendra Yadav S/o Sahdev Ram Yadav, Aged About 45 Years Working As Assistant Teacher (Panchayat), Government Primary School, Harijantoli, Jharmuda, Block Farsabahar, District Jashpur (Chhattisgarh)
6. Smt. Kalista Toppo W/o Late Moris Toppo, Aged About 42 Years Working As Assistant Teacher (Panchayat), Government Primary School, Pokhratoli (Singibahar), Block Farsabahar, District Jashpur (Chhattisgarh)
7. Tarun Kumar Verma S/o Basant Kumar Verma, Aged About 40 Years Working As Assistant Teacher (Panchayat), Government Primary School, Kersai, Block Farsabahar, District Jashpur (Chhattisgarh)
8. Dhanurjay Ram Yadav S/o Vidyadhar Ram Yadav, Aged About 31 Years Working As Assistant Teacher (Panchayat), Government Primary School, Uparkachhar, Block Farsabahar, District Jashpur (Chhattisgarh)
9. Tikeshwar Bhoi S/o Sadanand Ram, Aged About 35 Years Working As Assistant Teacher (Panchayat), Government Primary School, Bathantoli, Block Farsabahar, District Jashpur (Chhattisgarh)
10. Hemcharan Jangde S/o Bharat Lal Jangde, Aged About 33 Years Working As Assistant Teacher (Panchayat), Government Primary School, Puraniband, Block Farsabahar, District Jashpur (Chhattisgarh)
11. Smt. Bachantimala D/o Julious Kujur, Aged About 30 Years Working As Assistant Teacher (Panchayat), Government Primary School, Harijantoli (Jharmuda), Block Farsabahar, District Jashpur (Chhattisgarh)
12. Smt. Karuna Devi Paikara W/o Devsai Paikara, Aged About 37 Years Working As Assistant Teacher (Panchayat), Government Primary School, Harijantoli (Jharmuda), Block Farsabahar, District Jashpur (Chhattisgarh)
13. Shashiprakash Praha S/o Late Labarsai Parha, Aged About 36 Years Working As Assistant Teacher (Panchayat), Government

Primary School, Mahlang, Block Farsabahar, District Jashpur (Chhattisgarh)

14. Smt. Lily Kapila Toppo D/o Late Johan Tigga, Aged About 42 Years Working As Assistant Teacher (Panchayat), Government Primary School, Pokharatoli, Block Farsabahar, District Jashpur (Chhattisgarh)
15. Smt. Shanti Bada W/o Matiyas Bada, Aged About 47 Years Working As Assistant Teacher (Panchayat), Government Primary School, Makulpara (Lawakera), Block Farsabahar, District Jashpur (Chhattisgarh)
16. Kritnarayan Sai Paikara S/o Ratnu Ram Paikara, Aged About 49 Years Working As Assistant Teacher (Panchayat), Government Primary School, Fittingpara, Block Farsabahar, District Jashpur (Chhattisgarh)
17. Vijay Kumar Shukla S/o Dwarika Prasad Shukla, Aged About 43 Years Working As Assistant Teacher (Panchayat), Government Primary School, Golhendih Bokhi, Block Farsabahar, District Jashpur (Chhattisgarh)
18. Tirath Sai Paikara S/o Sahdev Sai Paikara, Aged About 36 Years Working As Assistant Teacher (Panchayat), Government Primary School, Mahkulpara (Ama Kachhar), Block Farsabahar, District Jashpur (Chhattisgarh)
19. Lakhan Lal Yadav S/o Mohan Ram Yadav, Aged About 30 Years Working As Assistant Teacher (Panchayat), Government Primary School, Gadwamunda, Block Farsabahar, District Jashpur (Chhattisgarh)
20. Prakash Sai Paikara S/o Dilsai Paikara, Aged About 34 Years Working As Assistant Teacher (Panchayat), Government Primary School, Bhursapara, Block Farsabahar, District Jashpur (Chhattisgarh)

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Versus

1. State Of Chhattisgarh Through, The Secretary, Department Of Panchayat, Mahanadi Bhavan, Mantralaya, New Raipur, District Raipur (Chhattisgarh)
2. Chief Executive Officer, Jila Panchayat, Jashpur, District Jashpur (Chhattisgarh)
3. Chief Executive Officer, Janapd Panchayat Farsabahar, District Jashpur (Chhattisgarh)
4. Block Education Officer, Farsabahar, District Jashpur (Chhattisgarh)

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For Petitioners	:	Mr. Harish Khuntiya, Advocate
For State	:	Mr. Sangharsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

07/10/2016

Heard on admission.

1. The grievance ventilated through this petition is on account of non-consideration of petitioners' case for promotion on the next higher post of Teacher (Panchayat).
2. Learned counsel for the petitioners submits that the petitioners are in public employment with avenue of promotion provided under the Govt. recruitment rules known as Chhattisgarh Teacher (Panchayat) Cadre (Recruitment and Conditions of Service) Rules, 2012. It is submitted that the petitioners have completed minimum eligibility of 7 years and large number of posts of Teacher (Panchayat) are lying vacant. The petitioners enjoy a very high position in the seniority list and is therefore within the zone of consideration. However, till date, respondents have not considered the case of the petitioners for promotion.
3. Learned counsel for the State submits that this grievance can be ventilated by the petitioners invoking the remedy of statutory representation to the competent authority as provided under Rule 18 (1) (b) of the Panchayat Service (Discipline and Appeal) Rules, 1999 (for short "the Rules of 1999"). A perusal of the aforesaid Rule clearly provides that a member of the Panchayat Service may make representation against an order which amongst others, denies promotion to a higher post or service to which is otherwise eligible according to recruitment rules and which is due to him in accordance to seniority.
4. This Court, in similar cases, has already disposed off the petition with a direction to consider representation in terms of statutory rules.
5. Accordingly, this petition is also disposed off with a direction that in case the petitioners' prefer representation, the same shall be considered and decided by the authority by speaking order within a period of 6 months from the date of receipt of representation.

Sd/-
(Sanjay K. Agrawal)
Judge