

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPS No. 5379 of 2016**

1. Sunil Singh, S/o Shri Ramlal, aged about 33 years, Presently working on the post of Assistant Teacher (Panchayat) Govt. Primary School, Semarkhurd Block-Odagi, Distt. Surajpur (C.G.)
2. Smt. Arti Shrivastava, W/o Shri Ashish Lal Shrivastava, aged about 37 years, Presently working on the post of Assistant Teacher (Panchayat), Govt. Primary School Nawapara (Bhadi), Block-Odagi, Distt. Surajpur (C.G.)
3. Smt. Kushum Toppo, W/o Shri Dhaniram Tirki, aged about 46 years, Presently working on the post of Assistant Teacher (Panchayat), Govt. Primary School Pakani, Block-Odagi, Distt.- Surajpur (C.G.)
4. Smt. Albina Kujur, W/o Shri Amaldas Kujur, aged about 43 years, Presently working on the post of Assistant Teacher (Panchayat), Govt. Primary School Pakani, Block Odagi, Distt- Surajpur (C.G.)

**---- Petitioners**

**Versus**

1. State Of Chhattisgarh Through- The Secretary, Department Of Panchayat And Rural Development, Mahanadi Bhawan, New Raipur, Distt. Raipur, (Chhattisgarh)
2. The Chief Executive Officer, Zila Panchayat, Surajpur, Distt. Surajpur, (Chhattisgarh)
3. The Chief Executive Officer, Janpad Panchayat, Odagi, Distt. Surajpur, (Chhattisgarh)
4. The Block Education Officer, Odagi, Distt. Surajpur, (Chhattisgarh)

**---- Respondents**

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| For Petitioner       | : Shri A.N. Pandey, Advocate  |
| For Respondent-State | : Shri Dheeraj Wankhede, G.A. |

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**S.B.:Hon'ble Shri Justice Sanjay K. Agrawal**

**Order On Board**

**19/10/2016**

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 Teachers (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 their 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 of 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.

6. It is made clear that this Court has not expressed any opinion on the merits of the case and the authority concerned shall decide the petitioners' representation in accordance with law on its own merits.

Sd/-  
**(Sanjay K. Agrawal)**  
Judge

D/-