

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5361 of 2016

1. Smt. Mamta Banjara W/o Shri Dharmsewak Banjara, Aged About 48 Years Working As Assistant Teacher (Panchayat), Govt. Primary School, Potapara (Kotba), Block Patthalgaon, District Jashpur (Chhattisgarh)
2. Suryalal Sahu S/o Anandram Sahu, Aged About 46 Years Working As Assistant Teacher (Panchayat), Government Primary School, Bhalukhar, (Kotba) Block Patthalgaon, District Jashpur (Chhattisgarh)
3. Duryodhan Paikara S/o Sundarsai Paikra, Aged About 48 Years Working As Assistant Teacher (Panchayat), Government Primary School, Sarnapara (Farsatoli), Block Patthalgaon, District Jashpur (Chhattisgarh)
4. Lalsai Paikra S/o Budhiyar Sai Paikra, Aged About 48 Years Working As Lab Technician (Panchayat), Government Primary School, Korwabahar (Madhuban), Block Patthalgaon, District Jashpur (Chhattisgarh)
5. Gopal Krishna Dansena S/o Chunni Lal Dansena, Aged About 33 Years Working As Assistant Teacher (Panchayat), Government Primary School, Jamtoli, Block Farsabahar, District Jashpur (Chhattisgarh)

---- Petitioners

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, Janpad Panchayat Patthalgaon, District Jashpur (Chhattisgarh)
4. Chief Executive Officer, Janpad Panchayat, Farsabahar, District Jashpur (Chhattisgarh)
5. Block Education Officer, Patthalgaon, District Jashpur (Chhattisgarh)
6. Block Education Officer, Farsabahar, District Jashpur (Chhattisgarh)

---- Respondents

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