

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 6140 of 2016**

1. Jakesh Kumar Sahu S/o. Shri Tulsi Ram Sahu, Aged About 33 Years Posted As Assistant Teacher Panchayat, Govt. Primary School, Padguda, Block Chhuriya, District Rajnandgaon (Chhattisgarh)
2. Parmeshwar Kumar Sahu, S/o. Chhanulal Sahu, Aged About 37 Years Posted As Assistant Teacher Panchayat, Govt. Primary School Jharan, Block Mohla, District Rajnandgaon (Chhattisgarh)
3. Hamid Baksh S/o. Shri Karim Baksh, Aged About 36 Years Posted As Assistant Teacher Panchayat, Govt. Primary School Telitola, Block Mohla, District Rajnandgaon (Chhattisgarh)
4. Rajeev Kumar Temre S/o. Shri Rikhiram Temre, Aged About 31 Years Posted As Assistant Teacher Panchayat, Govt. Primary School Keregaon, Block Chhuriya, District Rajnandgaon (Chhattisgarh)
5. Smt. Chitrarekha Mandavi W/o. Dhalsingh Mandavi, Aged About 34 Years Posted As Assistant Teacher Panchayat, Govt. Primary School Keregaon, Block Chhuriya, District Rajnandgaon (Chhattisgarh)
6. Smt. Godavari Sharma W/o. Keshlal Sharma, Aged About 33 Years Posted As Assistant Teacher Panchayat, Govt. Primary School Khursipar, Block Chhuriya, District Rajnandgaon (Chhattisgarh)
7. Guman Singh Sahu, S/o. Shri Jhaduram Sahu, Aged About 33 Years Posted As Assistant Teacher Panchayat At Government Primary School, Pendalkuhi, Block Ambagarh Chowki, District Rajnandgaon (Chhattisgarh)
8. Karanlal Kosre S/o. Shri Motilal Kosre, Aged About 36 Years Posted As Assistant Teacher Panchayat At Government Primary School, Hatbanjari, Block Chhuriya, District Rajnandgaon (Chhattisgarh)
9. Jogeshwar Lal Lahotre S/o Shri Latkhor Ram, Aged About 38 Years Posted As Assistant Teacher Panchayat At Government Primary School Hatbanjari, Block Chhuriya, District Rajnandgaon (Chhattisgarh)
10. Yogendra Kumar Dewangan, S/o. Shravan Kumar Dewangan, Aged About 38 Years Posted As Assistant Teacher Panchayat At Government Primary School, Durgatola, (Mateva), Block Mohla, District Rajnandgaon (Chhattisgarh)
11. Trilochan Ram Chandravanshi S/o. Pyari Ram, Aged About 46 Years Posted As Assistant Teacher Panchayat At Government Primary School Jadgatola, Block Mohla, District Rajnandgaon (Chhattisgarh)
12. Nirbhayasingh Tekam, S/o. Budhwar Singh, Aged About 46 Years Posted As Assistant Teacher Panchayat At Government Primary School Ghavderola, Block Mohla, District Rajnandgaon (Chhattisgarh)
13. Keshav Prasad, S/o. Chamruram, Aged About 39 Years Posted As Assistant Teacher Panchayat At Government Primary School Jharan, Block Mohla, District Rajnandgaon (Chhattisgarh)

14. Domanlal Sinha, S/o. Mehtaru Ram Sinha, Aged About 31 Years Posted As Assistant Teacher Panchayat At Government Primary School Parevadih, Block Chhuriya, District Rajnandgaon (Chhattisgarh)
15. Khemchand Sahu, S/o. Daluram, Aged About 41 Years Posted As Assistant Teacher Panchayat At Government Primary School Parevadih, Block Chhuriya, District Rajnandgaon (Chhattisgarh)
16. Tekram Sevta, S/o. Hukumchand, Aged About 28 Years Posted As Assistant Teacher Panchayat At Government Primary School Umarvahi, Block Chhuriya, District Rajnandgaon (Chhattisgarh)
17. Smt. Basanti Sevta, W/o. Tekram Sevta, Aged About 28 Years Posted As Assistant Teacher Panchayat At Government Primary School Khursipar, Block Dongargaon, District Rajnandgaon (Chhattisgarh)
18. Domanlal Sahu S/o. Agrahij, Aged About 31 Years Posted As Assistant Teacher Panchayat At Government Primary School Badgaon, Block Chhuriya, District Rajnandgaon (Chhattisgarh)
19. Sohanlal Jain, S/o. Chandanmal, Aged About 49 Years Posted As Assistant Teacher Panchayat At Government Primary School Umarvahi, Block Chhuriya, District Rajnandgaon (Chhattisgarh)
20. Savita Uike W/o. Mahavir Uike, Aged About 35 Years Posted As Assistant Teacher Panchayat At Government Primary School Chandiya, Block Chhuriya, District Rajnandgaon (Chhattisgarh)
21. Raman Dewangan S/o. Late Shri Madanlal Dewangan, Aged About 48 Years Posted As Assistant Teacher Panchayat At Government Primary School Gondalwahi, Block Chhuriya, District Rajnandgaon (Chhattisgarh)
22. Shyamcharan Sahu, S/o. Shri Madhirram Sahu, Aged About 50 Years Posted As Assistant Teacher Panchayat At Government Primary School Badratola, Block Chhuriya, District Rajnandgaon (Chhattisgarh)
23. Devnarayan Sahu, S/o. Shri Pankaj Lal Sahu, Aged About 31 Years Posted As Assistant Teacher Panchayat At Government Primary School Halekosa, Block Chhuriya, District Rajnandgaon (Chhattisgarh)
24. Rajesh Kumar Netam S/o. Dhanukram Netam, Aged About 31 Years Posted As Assistant Teacher Panchayat At Government Primary School, Kolihatola, Block Chhuriya, District Rajnandgaon (Chhattisgarh)
25. Bhuvan Vishwakarma, S/o. Shri Panna Lal Vishwakarma, Aged About 32 Years Posted As Assistant Teacher Panchayat At Government Primary School, Sadak Chichari, Block Chhuriya, District Rajnandgaon (Chhattisgarh)
26. Ku. Reena Nandeshwar D/o. Shri Sadaram Nandeshwar, Aged About 32 Years Posted As Assistant Teacher Panchayat At Government Primary School, Pandeytola, Block Chhuriya, District Rajnandgaon (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh S/o Through Secretary, Panchayat And Rural

Welfare Department Mantralaya, Mahanadi Bhawan, Naya Raipur
Tehsil & District Raipur (Chhattisgarh)

2. Zila Panchayat, Through; Chief Executive Officer, Rajnandgaon, District
Rajnandgaon (Chhattisgarh)

---- Respondents

For Petitioners	: Shri Anup Majumdar, Advocate
For Respondent/State	: Shri Avinash Singh, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

16/11/2016

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 are 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 them 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