

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 6168 of 2016

1. Rajeev Kumar Temre S/o. Rikhiram Temre, Aged About 31 Years Posted As Assistant Teacher (Panchayat), Keregaon, P. S. & Tehsil Churiya, District Rajnandgaon (Chhattisgarh)
2. Satish Kumar Dewangan S/o. Manohar Lal Dewangan, Aged About 31 Years Posted As Assistant Teacher (Panchayat), Aamgaon, P. S. & Tehsil Churiya District Rajnandgaon (Chhattisgarh)
3. Trilochan Chandrawanshi S/o. Pyariram Chandrawanshi, Aged About 41 Years Posted As Assistant Teacher (Panchayat), Jadangatola, P. S. & Tehsil Churiya District Rajnandgaon (Chhattisgarh)
4. Rumlal Nayak S/o. Tilakram Nayak, Aged About 36 Years Posted As Assistant Teacher (Panchayat), Lalutola, Umarwahi, P. S. & Tehsil Churiya District Rajnandgaon (Chhattisgarh)
5. Deshanlal Patel S/o. Late Shri Harinath Singh Patel, Aged About 35 Years Posted As Assistant Teacher (Panchayat), Chandiya, Umarwahi P. S. & Tehsil Churiya District Rajnandgaon (Chhattisgarh)
6. Kedar Singh Netam S/o. Mathur Singh Netam, Aged About 36 Years Posted As Assistant Teacher (Panchayat), Lalutola, Umarwahi, P. S. & Tehsil Churiya District Rajnandgaon (Chhattisgarh)
7. Shailendra Kumar Kothare, S/o. Shri Donakdas Kothare, Aged About 33 Years Posted As Assistant Teacher (Panchayat), Shikarimehka, P. S. & Tehsil Churiya District Rajnandgaon (Chhattisgarh)
8. Nandkishore Dhritlehre S/o. Bhagchand Dhritlehre, Aged About 33 Years Posted As Assistant Teacher (Panchayat), R/o Bholapur, P. S. & Tehsil Churiya District Rajnandgaon (Chhattisgarh)
9. Dinesh Kumar Gajendra S/o. Shri Devlal, Aged About 36 Years Posted As Assistant Teacher (Panchayat), Jahramehka, P. S. & Tehsil Churiya District Rajnandgaon (Chhattisgarh)
10. Yogendra Kumar Dewangan S/o. Shrawan Kumar Dewangan, Aged About 33 Years Posted As Assistant Teacher (Panchayat), Dugatola (Matew), Kakaipaar P. S. & Tehsil Mohla District Rajnandgaon (Chhattisgarh)
11. Dhirendra Kumar Damle S/o. Harish Chandra Damle, Aged About 38 Years Posted As Assistant Teacher (Panchayat), Khadkadi,

Chilhaati, P. S. & Tehsil Ambagarh Chowki District Rajnandgaon
(Chhattisgarh)

12. Narottam Kumar Alendra S/o. Sadaram Alendra, Aged About 32
Years Posted As Assistant Teacher (Panchayat), Kakaipaar P. S. &
Tehsil Mohla District Rajnandgaon (Chhattisgarh)

---- Petitioners

Versus

1. State Of Chhattisgarh 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 Basant Dewangan, Advocate
For State : Shri Prafull N. Bharat, Addl. Advocate General

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

11/11/2016

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 representations.

Sd/-

(Sanjay K. Agrawal)
Judge

L/-