

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3419 of 2016

1. Deepak Kumar Sahu S/o Shri Dashrath Lal Sahu, Aged About 33 Years Assistant Teacher (Panchayat) At Govt. Primary School, Pahra, Police Station Nadini Nagar, Ahiwara, Block Dhamdha Civil & Revenue Distt. Durg (Chhattisgarh)
2. Triveni Bharti D/o Shri Santram Bharti, Aged About 32 Years Assistant Teacher (Panchayat) At Govt. Primary School, Pahra, Police Station Nadini, Block Dhamdha, Civil & Revenue Distt. Durg (Chhattisgarh)
3. Nandu Lal Lenjhare S/o Shri Mohan Lal Lenjhare, Aged About 34 Years Assistant Teacher (Panchayat) At Govt. Primary School, Khursul, Police Station Pulgaon, Block Durg, Civil & Revenue Distt. Durg (Chhattisgarh)
4. Smt. Namrata Dewangan D/o Shri Shatrughan Lal Dewangan, Aged About 31 Years Assistant Teacher (Panchayat) At Govt. Primary School, Pathariya, Police Station Ahiwara, Block Dhamdha, Civil & Revenue Distt. Durg (Chhattisgarh)
5. Santosh Kumar Siware S/o Shri Ramadhar Siware, Aged About 40 Years Assistant Teacher (Panchayat) At Govt. Primary School, Birejhar, Police Station Bori, Block Dhamdha, Civil & Revenue Distt. Durg (Chhattisgarh)
6. Yogesh Kumar Verma S/o Shri Ganesh Ram Verma, Aged About 32 Years Assistant Teacher (Panchayat) At Govt. Primary School, Gadadih, Police Station Bori, Block Dhamdha, Civil & Revenue Distt. Durg (Chhattisgarh)

---- Petitioners

Versus

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Development Department, Mantralay, Mahanadi Bhawan, Naya Raipur, Distt. Raipur (Chhattisgarh)
2. District Panchayat, Durg, Through Its Chief Executive Officer, Distt. Durg (Chhattisgarh)
3. Janpad Panchayat, Dhamdha, Through Its Chief Executive Officer, Distt. Durg (Chhattisgarh)
4. Block Education Officer, Block Dhamdha, Distt. Durg (Chhattisgarh)
5. Chief Executive Officer, Janpad Panchayat, Durg, Distt. Durg (Chhattisgarh)
6. Block Education Officer, Block Durg, Distt. Durg (Chhattisgarh)

---- Respondents

For Petitioner	:	Mr. A.S. Rajput, Advocate
For State	:	Mr. S.P. Kale, Dy. Advocate General

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

04/08/2016

Heard on admission.

1. The grievance ventilated through this petition is on account of non consideration of petitioners' cases 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 cases 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/-
(Manindra Mohan Shrivastava)
Judge

Chandra