

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****WPS No. 4735 of 2016**

1. Khageshwar Prasad Daheriya S/o Shri Raghuram Dahaneriya, Aged About 35 Years Working As Assistant Teacher Panchayat Presently Posted On Primary School Jhakkadpur, Thana Block Pathalgaon, Distirct Jashpur Chhattisgarh
2. Devar Kumar Chermako S/o Shri Lala Ram Chermako, Aged About 48 Years Working As Assistant Teacher Panchayat Presently Posted On Primary School Dodapani, Thana Block Pathalgaon, Distirct Jashpur Chhattisgarh
3. Vinod Kumar Sahu, S/o Shri Shyam Lal Sahu, Aged About 45 Years Working As Assistant Teacher Panchayat Presently Posted On Primary School Jangalpara, Thana Block Pathalgaon, Distirct Jashpur Chhattisgarh
4. Sarju Patel S/o Shri Balchand Patel, Aged About 30 Years Working As Assistant Teacher Panchayat Presently Posted On Primary School Junapara, Thana Block Pathalgaon, Distirct Jashpur Chhattisgarh
5. Veenita Rathiya D/o Shri Kriparam Rathiya, Aged About 30 Years Working As Assistant Teacher Panchayat Presently Posted On Primary School Pangsuan, Thana Block Pathalgaon, Distirct Jashpur Chhattisgarh
6. Juliram Xaxa, D/o Shri Phaphila Xaxa, Aged About 47 Years Working As Assistant Teacher Panchayat Presently Posted On Primary School Junapara, Thana Block Pathalgaon, Distirct Jashpur Chhattisgarh
7. Rudheshwar Prasad Narange, S/o Late Shri Bajrang Lal Narange, Aged About 35 Years Working As Assistant Teacher Panchayat Presently Posted On Primary School Gharjiyanbathan, Thana Block Pathalgaon, Distirct Jashpur Chhattisgarh
8. Anand Ram Narange S/o Shri Photu Ram Narange, Aged About 33 Years Working As Assistant Teacher Panchayat Presently Posted On Primary School Dahidand, Thana Block Pathalgaon, Distirct Jashpur Chhattisgarh
9. Sonprari Tirkey W/o Shri Devar Kumar Chermako, Aged About 45 Years Working As Assistant Teacher Panchayat Presently Posted On Primary School Paraghati, Thana Block Pathalgaon, Distirct Jashpur Chhattisgarh

---- Petitioners**Versus**

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development, Mahanadi Bhawan, New Raipur Chhattisgarh
2. Chief Executive Officer, Zila Panchayat, Jashpur, District Jahspur Chhattisgarh

3. Chief Executive Officer, Janpad Panchayat Pathalgaon, District Jashpur Chhattisgarh
4. Block Education Officer, Pathalgaon, District Jashpur Chhattisgarh

---- Respondents

For Petitioner	:	Mr. C.P. Lahrey, Advocate
For State	:	Mr. R.K. Gupta, Dy. Advocate General

Hon'ble Shri Justice Manindra Mohan Shrivastava
Order On Board

14/09/2016

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/-
(Manindra Mohan Shrivastava)
Judge

Chandra