

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4605 of 2016

1. Vijay Kumar Sharma S/o Shri Mohan Lal Sharma Aged About 47 Years Assistant Teacher (Panchayat) At Govt. Primary School, Mudghusri Maidan, Police Station & Block-Bodla, District-Kabirdham, Chhattisgarh.
2. Shekh Shubarati Khan S/o Shri Shekhrahimmudin, Aged About 42 Years Assistant Teacher (Panchayat) At Govt. Primary School, Kandapara, Police Station & block Bodla, District-Kabirdham, Chhattisgarh.
3. Virendra Kumar Dharamgarhe S/o Shri Natthoolal Dharamgarhe Aged About 42 Years Assistant Teacher (Panchayat) At Govt. Primary School Karmanda, Police Station-Regakhar, Block-Bodla, District-Kabirdham, Chhattisgarh.
4. Keshav Lal Sinha S/o Shri Phoolsingh Sinha Aged About 40 Years Assistant Teacher (Panchayat) At Govt. Primary School, Tarsing, Police Station & Block-Bodla, District-Kabirdham, Chhattisgarh.
5. Pushpakkar Verma S/o Shri Pardesi Ram Verma Aged About 41 Years Assistant Teacher (Panchayat) At Govt. Primary School, Sili, Police Station & Block-Bodla, District-Kabirdham, Chhattisgarh.

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, Mahanadi Bhawan Mantralaya, New Raipur Distt-Raipur, Chhattisgarh.
2. District Panchayat, Kabirdham, Through Its Chief Executive Officer, Distt. Kabirdham (Chhattisgarh)
3. Janpad Panchayat, Bodla, Through Its Chief Executive Officer, Distt. Kabirdham (Chhattisgarh)
4. Block Education Officer, Block Bodla, Distt. Kabirdham (Chhattisgarh)

---- Respondents

For Petitioners	:	Smt. Anusuiya Rajput, Advocate
For Respondent-State	:	Shri Dheeraj Wankhede, G.A.

S.B.:Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

08/09/2016

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 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

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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

Rekha