

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(S) No. 2626 of 2016

1. Ritendra Kumar Verma, S/o. Shri Joidha Prasad Verma, aged 33 years, Occupation- Service, Presently posted as Teacher (Panchayat), Government Middle School, Navbhata, Block Kawardha, District – Kawardha, District – Kabirdham & Resident of Village- Pipariya, Kawardha, District – Kabirdham (C.G.), Civil and Revenue District – Kabirdham (C.G.)

----Petitioner

Versus

1. State of Chhattisgarh, Through ; the Secretary, Department of Panchayat & Rural Development, Mahanadi Bhawan, Capital Complex, Secretariat, Naya Raipur, District – Raipur (C.G.)
2. The Director, Directorate of Panchayat & Rural Development Department, Raipur (C.G.)
3. The District Education Officer, District – Kabirdham (C.G.)
4. District Panchayat, Kabirdham through its Chief Executive Officer, Kawardha, District- Kabirdham (C.G.)

---- Respondents

For Petitioner	: Mr. Rajeev Shrivastava, Advocate
For Respondent/State	: Mr. Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

05/07/2016

1. The grievance of the petitioner is that the petitioner is post graduate in commerce subject and also possess diploma in education (D.Ed) and has completed 7 years of service as Teacher (Panchayat). It is contended that the petitioner is entitled for promotion, however, in the year 2014 the 85 sanctioned posts were filled i.e. 63 posts by direct recruitment and 25 posts by promotion, thereby the right of the petitioner has been virtually leads to denial though he has acquired all the requisite qualification.

2. Learned counsel for the petitioner submits that since the petitioner is a member of Panchayat Service, therefore, statutory representation is provided under Rules 18 (1) (b) of Panchayat Service (Discipline and Appeal) Rules, 1999. It is contended that since the matter relates to promotion, therefore, the petitioner may be given liberty to move representation before the appropriate authority so that the statutory remedy, which is available to the petitioner may be exhausted.
3. The relevant Rule 18 (1) (b) of Panchayat Service (Discipline and Appeal) Rules, 1999 as referred is quoted here-under :-

“18. Representation on other cases. – (1) A member of the Panchayat Service may make representation against an order which. –

(a) x x x x

(b) denies promotion to a higher post or service to which is other wise eligible according to the recruitment rules and which is due to him according to seniority; or”

4. After going through the facts, it is directed that in case the petitioner makes a suitable application as per Rules 18 (1) (b) of Panchayat Service (Discipline and Appeal) Rules, 1999 along with application for condonation of delay, if so advised and places his grievances along with all the documents, in such case, the prescribed authority may decide the same within further period of three months on the facts available before it.
5. With the aforesaid observation, the petition stands finally disposed off.
No order as to costs.

Sd/-
(Goutam Bhaduri)
Judge