

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 2970 of 2016**

1. Vijay Kumar Sahu S/o Ramcharit Sahu, Aged About 40 Years Post Devankar, P.S. Patelpara, Vishunpur, Tehsil & District Surajpur, (Chhattisgarh)
2. Ku. Indravati , D/o Ramkumar, Aged About 32 Years R/o Post Tejpur, P.S. Kenapara, Govindpur, Tehsil & District Surajpur, (Chhattisgarh)
3. Karamchand Singh, S/o Ramnarayan Singh, Aged About 46 Years Post Tejpur, P.S. Chhaparpara, Govindpur, Tehsil & District Surajpur, (Chhattisgarh)
4. Chintamani Singh, S/o Balam Singh, Aged About 46 Years Post Tejpur, P.S. Chhaparpara, Govindpur, Tehsil & District Surajpur, (Chhattisgarh)
5. Gangaram Sahu, S/o Banarasi, Aged About 43 Years Post Devenagar, P.S. Kokdipara, Devnagar, Tehsil & District Surajpur, (Chhattisgarh)
6. Sushila Minj, W/o Rajesh Minj, Aged About 38 Years Post Tivragudi, P.S. Tivragudi, Tehsil & District Surajpur, (Chhattisgarh)
7. Bodhanram, S/o Ranjitram, Aged About 40 Years Post Devnagar, P.S. Jhalarpara, Agustpur, Tehsil & District Surajpur, (Chhattisgarh)
8. Mahendra Pratap Rajwade, S/o Tilakram, Aged About 41 Years Post Krishnpur, P.S. Aasnagara, Bharuhamuda, Tehsil & District Surajpur, (Chhattisgarh)
9. Sukhlal Singh, S/o Manjhira, Aged About 41 Years Post Parshurampur, P.S. Amajhariya, Mohanpur, Tehsil & District Surajpur, (Chhattisgarh)
10. Mannilal, S/o Vishwanath, Aged About 49 Years Post Sarbhoka, P.S. Parsapar, Manja, Tehsil & District Surajpur, (Chhattisgarh)
11. Sukhlal, S/o Dyalram, Aged About 46 Years Post Chhindiya, P.S. Pandopara, Chhindiya, Tehsil & District Surajpur, (Chhattisgarh)
12. Sohansingh, S/o Mahipal, Aged About 42 Years Post Kot (Patan), P.S. Nawapara, Sagarpur, Tehsil & District Surajpur, (Chhattisgarh)
13. Mahipalsingh, S/o Bhanupratap Singh, Aged About 42 Years Post Tivragudi, P.S. Vyrapara, Tivragudi, Tehsil & District Surajpur, (Chhattisgarh)
14. Rampratap Sahu, S/o Ramdhari, Aged About 48 Years Post Tejpur, P.S. Sahupara, Leduva, Tehsil & District Surajpur, (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, Surajpur, District Surajpur, (Chhattisgarh)

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For Petitioners	:	Shri Anup Majumdar, Advocate.
For Respondent/State	:	Shri Dheeraj Wankhede, Government Advocate.

Hon'ble Shri Manindra Mohan Shrivastava, J

Order on Board

18/07/2016

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 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 representations, 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/-

(Manindra Mohan Shrivastava)
Judge