

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.4916 of 2016**

1. Pushp Raj Pandey S/o Late Shri Kamalbhan Pandey, Aged About 42 Years Post & Tehsil Premnagar, District Surajpur, (Chhattisgarh)
2. Onkar Singh, S/o Shri Dhaneshwar Singh, Aged About 34 Years Village & Post Navapara, Tehsil & Janpad Premnagar, District Surajpur, (Chhattisgarh)
3. Shiv Kumar, S/o Shri Jangisaav, Aged About 45 Years Village & Post Tarkeshwarpur, Tehsil & Janpad Premnagar, 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)

---- Respondents

For Petitioners	:	Mr. Anup Majumdar, Advocate
For Respondent-State	:	Mr. D.R. Minj, Dy. Govt. Advocate

Hon'ble Shri Manindra Mohan Shrivastava, J.**Order on Board****20/09/2016**

1. Heard on admission.
2. 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).
3. 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.

4. 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 their in accordance to seniority.

5. This Court, in similar cases, has already disposed off the petition with a direction to consider representation in terms of statutory rules.

6. 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 representation.

Sd/-

(Manindra Mohan Shrivastava)
Judge