

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5070 of 2016

1. Huleshwar Singh S/o Shri Shankar Prasad Singh Aged About 39 Years Occupation, Assistant Teacher Panchayat, Govt. Primary School Ahirpara Pendarkhi Sankul Kandrai R/o Gram Ahirpara Pendarkhi Block Surajpur Thana Jainagar Revenue & Civil District Surajpur (Chhattisgarh)
2. Sunita Singh D/o Shri Karimanram Aged About 36 Years Occupation, Assistant Teacher Panchayat, Govt. Primary School Satpata Sankul Vishrampur R/o Gram Satpata Block Surajpur Thana Vishrampur Revenue & Civil District Surajpur (Chhattisgarh)
3. Aaditya Prasad Yadav S/o Shri Jangbali Ram Yadav Aged About 46 Years Occupation, Assistant Teacher Panchayat, Govt. Primary School Chitabahri Kandrai Sankul Kandrai R/o Gram Chitabahri Kandrai Block Surajpur Thana Jainagar Revenue & Civil District Surajpur (Chhattisgarh)
4. Narendra Singh Aandilya S/o Shri Thibhulram Aged About 43 Years Occupation, Assistant Teacher Panchayat, Govt. Primary School Charpara Sankul Kandrai R/o Gram Charpara Kandrai Block Surajpur Thana Jainagar Revenue & Civil District Surajpur (Chhattisgarh)
5. Saroj Singh S/o Shri Rajpal Aged About 31 Years Occupation, Assistant Teacher Panchayat, Govt. Primary School Mahavirpur Sankul Mahavirpur R/o Gram Mahavirpur Block Surajpur Thana Jainagar Revenue & Civil District Surajpur (Chhattisgarh)
6. Mahesh Kumar Vaishnav S/o Shri Shivbhajandas Aged About 42 Years Occupation, Assistant Teacher Panchayat, Govt. Primary School Bhathapara Sankul Latauri R/o Gram Bhathapara Block Surajpur Thana Jainagar Revenue & Civil District Surajpur (Chhattisgarh)
7. Budhman Singh Sarvte S/o Shri Dularshay Aged About 34 Years Occupation, Assistant Teacher Panchayat, Govt. Primary School Kantaroli Sankul Tara R/o Gram Kantaroli Tah. & Thana Premnagar Revenue & Civil District Surajpur (Chhattisgarh)

---- Petitioners

Versus

1. State Of Chhattisgarh Through Secretary, Panchayat, Gramin Vikash Vibhag, Mantralay Naya Raipur (Chhattisgarh)
2. Director, Panchayat Sanchalnalay Chhattisgarh, Indrawati Bhawan, Naya Raipur (Chhattisgarh)
3. Chief Executive Officer, Jila Panchayat Surajpur, District Surajpur (Chhattisgarh)
4. Chief Executive Officer, Janpad Panchayat, Surajpur, District Surajpur (Chhattisgarh)
5. Chief Executive Officer, Janpad Panchayat Premnagar, District Surajpur (Chhattisgarh)
6. Collector, Surajpur, District Surajpur (Chhattisgarh)

7. District Education Officer, Surajpur, District Surajpur (Chhattisgarh)

---- Respondents

Shri Abdul Wahab Khan, counsel for the petitioner/s.
Shri Sangharsh Pandey, Dy.G.A. for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

22/09/2016

Heard on admission.

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 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**

Deepti