

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 6621 of 2016

Smt. Leeladevi Mahant W/o Shri Kunjaldas Aged About 53 Years
Occupation, Assistant Teacher Panchayat, Govt. Indira Gandhi Primary
Girls School Raigarh R/o Raigarh Thana Raigarh District Raigarh
(Chhattisgarh) **---- Petitioner**

Versus

1. State Of Chhattisgarh Through Secretary, Gramin Vikas Vibhag,
Mantralay Naya Raipur (Chhattisgarh)
2. Secretary, Nagriya Prashashan Vibhag Mantralay Naya Raipur
Chhattisgarh.
3. Chief Executive Officer, Nagar Palik Nigam, Raigarh (Chhattisgarh)
4. Director, Panchayat, Sanchalnalaya, Chhattisgarh, Indravati Bhawan,
Naya Raipur, (Chhattisgarh)
5. Chief Executive Officer, Jila Panchayat, Raigarh, District Raigarh
(Chhattisgarh)
6. Chief Executive Officer, Janpad Panchayat, Raigarh, District Raigarh
(Chhattisgarh)
7. Collector, Raigarh, District Raigarh (Chhattisgarh).
8. Block Education Officer, Raigarh, District Raigarh (Chhattisgarh).

-----Respondents

For Petitioner : Shri Abdul Wahab Khan,
For State : Shri Gary Mukhopadhyay, Dy. Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

05/12/2016

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 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 petitioner prefers 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/-

**(Sanjay K. Agrawal)
Judge**