

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****REVP No. 133 of 2016**

- Harnarayan Yadav S/o Ramlal Yadav, Aged About 35 Years Assistant Teacher (Panchayat), Posted At Janapad Primary School Udayband, Block- Baloda, District- Janjgir-Champa, (Chhattisgarh), R/o- I.B. Rest House, Ward No. 18, Janjgir, At Present R/o- Village & P.O.- Khokhasa, P.S.- Janjgir, District- Janjgir-Champa, (Chhattisgarh).

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat & Rural Development, Mantralaya, Mahanadi Bhawan, New Raipur, District- Raipur, (Chhattisgarh).
2. Collector, District- Janjgir-Champa, (Chhattisgarh).
3. Chief Executive Officer, Zila Panchayat, District- Janjgir-Champa, (Chhattisgarh).
4. Chief Executive Officer, Janpad Panchayat- Pamgarh, District- Janjgir-Champa, (Chhattisgarh).
5. Project Officer, Office Of The Chief Executive Officer, Zila Panchayat, District- Janjgir-Champa, (Chhattisgarh).

---- Respondents

For Petitioner	:	Ms. Meena Shastri, Advocate
For State /	:	Mr. Chandresh Shrivastava, Panel Lawyer
Respondent Nos. 1 & 2		on advance copy

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****26/09/2016**

1. Heard on application for condonation of delay in filing the petition.
2. Upon due consideration, application is allowed. Delay is condoned.
3. Learned counsel for the petitioner submits that in writ petition filed by the petitioner, the petitioner prayed for consideration of his promotion from Assistant Teacher (Panchayat) to Teacher (Panchayat) and in the alternative, the prayer was made for consideration of the petitioner's case for Kramonnati in case the petitioner is not granted promotion due to non-availability of vacancy.

4. In view of the submission made herein above, it is clarified that the petitioner's claim for Kramonnati shall be a subject matter for consideration irrespective of petitioner's claim of promotion to the post of Teacher (Panchayat), the respondents are directed to consider petitioner's claim for promotion from Assistant Teacher (Panchayat) to Teacher (Panchayat) in accordance with the applicable Rules. In that regard the petitioner has to prefer statutory representation to the competent authority as provided under Rule 18 (1) (b) of the Panchayat Service (Discipline and Appeal) Rules, 1999, which shall be considered and decided within a period of 6 months. It is only when the petitioner does not get promotion for want of vacancy, his claim for Kramonnati shall be considered.
5. With the aforesaid clarification / modification, this review petition is finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge