

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5832 of 2016

1. Bharat Singh S/o Late Shri Nanbabu Aged About 39 Years Occupation Assistant Teacher Panchayat, Govt. Primary School Aamapara Sankul Kandrai R/o Gram Aamapara Kandrai Block Surajpur Thana Jainagar Revenue & Civil District Surajpur (Chhattisgarh)
2. Surendra Kumar S/o Shri Ganeshwar Prasad Aged About 50 Years Occupation Assistant Teacher Panchayat, Govt. Primary School Kushwahapara Dwarikanagar Sankul Vishrampur R/o Gram Kushwahapara Dwarikanagar Block Surajpur Thana Jainagar Revenue & Civil District Surajpur (Chhattisgarh) **---- Petitioners**

Versus

1. State Of Chhattisgarh Through Secretary, Panchayat, Gramin Vikash Vibhag, Mantralay Naya Raipur (Chhattisgarh)
2. Director, Panchayat Sanchalnalaya 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. Collector, Surajpur, District Surajpur (Chhattisgarh)
6. District Education Officer, Surajpur, District Surajpur (Chhattisgarh).

-----Respondents

For Petitioners : Shri Abdul Wahab Khan,
For State : Shri Dhiraj Wankhede, Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

24/10/2016

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 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/-

(Sanjay K. Agrawal)
Judge

L/-

