

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No.6302 of 2016

Anup Chand Rathore, S/o Shri Prithram Rathore, aged about 40 years, working as Assistant Teacher (Panchayat) posted at Govt. Primary School Sivnikala, Block Bodla, District Kabirdham (CG).

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Panchayat Mahanadi Bhawan, Mantralaya New Raipur, District Raipur, Chhattisgarh
2. Chief Executive Officer, Zila Panchayat Kawardha, District Kabirdham, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Ajay Shrivastava, Advocate
For State	:	Shri Dhiraj Wankhede, Govt. Advocate

S.B.:Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

18/11/2016

Heard.

1. Learned counsel for the petitioner submits that since the petitioner is a member of Panchayat Service, therefore, statutory representation is provided under Rules 18(1)(b) of Panchayat Service (Discipline and Appeal) Rules, 1999. It is contended that since the matter relates to promotion, therefore, the petitioner may be given liberty to move representation before the appropriate authority so that the statutory remedy, which is available to the petitioner may be exhausted.
2. The relevant Rule 18(1)(b) of Panchayat Service (Discipline and Appeal)

Rules, 1999 as referred is quoted hereunder:-

“18. Representation on other cases.”-(1) A member of the Panchayat Service may make representation against an order which.-

(a) x x x x x

(b) denies promotion to a higher post or service to which is other wise eligible according to the recruitment rules and which is due to him according to seniority; or”

3. After going through the facts, it is directed that in case the petitioner makes a suitable application as per Rules 18(1)(b) of Panchayat Service (Discipline and Appeal) Rules, 1999 along with application for condonation of delay, if so advised and places his grievances along with all the documents, in such cases, the prescribed authority may decide the same within further period of three months on the facts available before it.
4. It is made clear that this Court has not expressed any opinion on the merits of the case and the respondent authorities may decide the representation on its own merits.
5. With the aforesaid observation, the petition stands finally disposed off. No order as to cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge

L/-