

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP (S) No.6459 of 2016**

Alan Warder Sahu S/o Shri Lunkaran Sahu, aged about 30 years, Working as Assistant Teacher Panchayat, Posted at Primary School, Dipatoli, Panchayat Cheritangartoli, Jashpur, District Jashpur (CG)

---- Petitioner

Versus

1. State of Chhattisgarh Through-The Secretary, Department of Panchayat, Mantralaya, Mahanadi Bhawan New Raipur, District Raipur (CG)
2. Chief Executive Officer, Jila Panchayat, Jashpur, District Jashpur (CG)
3. Chief Executive Officer, Janpad Panchayat, Jashpur, District Jashpur (CG)

---- Respondents

And

WP (S) No.6467 of 2016

Jyoti Bhagat D/o Dular Sai, aged about 38 years, Working as Assistant Teacher Panchayat, Navin Primary School, Khuntitoli, Panchayat Jamtoli, District Jashpur (CG)

---- Petitioner

Versus

1. State of Chhattisgarh Through-The Secretary, Department of Panchayat, Mantralaya, Mahanadi Bhawan New Raipur, District Raipur (CG)
2. Chief Executive Officer, Jila Panchayat, Jashpur, District Jashpur (CG)
3. Chief Executive Officer, Janpad Panchayat, Jashpur, District Jashpur (CG)

---- Respondents

And

WP (S) No.6469 of 2016

Ku. Apeksha Bairwa D/o Late Ghanshyam Bairwa, aged about 32 years, Working as Assistant Teacher Panchayat, Primary School, Khakhrapat, Block & District Jashpur (CG)

---- Petitioner

Versus

1. State of Chhattisgarh Through-The Secretary, Department

of Panchayat, Mantralaya, Mahanadi Bhawan New Raipur,
District Raipur (CG)

2. Chief Executive Officer, Jila Panchayat, Jashpur, District Jashpur (CG)
3. Chief Executive Officer, Janpad Panchayat, Jashpur, District Jashpur (CG)

---- Respondents

And

WP (S) No.6470 of 2016

Neelmani Kindo D/o Emanuel Kindo, aged about 38 years,
Working as Assistant Teacher Panchayat, Primary School,
Korengrena, Block & District Jashpur (CG)

---- Petitioner

Versus

1. State of Chhattisgarh Through-The Secretary, Department of Panchayat, Mantralaya, Mahanadi Bhawan New Raipur, District Raipur (CG)
2. Chief Executive Officer, Jila Panchayat, Jashpur, District Jashpur (CG)
3. Chief Executive Officer, Janpad Panchayat, Jashpur, District Jashpur (CG)

---- Respondents

For Petitioners	: Mr.C.J.K. Rao, Advocate
For State	: Mr.Aditya Sharma & Mrs. Ashtha Shukla, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

29/11/2016

Heard on admission.

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 is 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, the writ petitions are also disposed off with a direction that in case the petitioners' prefer representations, 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 representations.

Sd/-

(Sanjay K Agrawal)
Judge

B/-