

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No.6914 of 2016

1. Pitambar Kumar Gavel S/o Shri Amar Singh Gavel, Aged About 43 Years Orking As Assistant Teacher Panchayat, Govt. Primary School Pikripar Block Malkharoda, District Janjgir Chhhattisgarh
2. Shyamlal Katakwar, S/o Shri Daduram Katakwar, Aged About 48 Years Working As Assistant Teacher Panchayat, Govt. Primary School, Hardi, Block Malkharoda, Distirct Janjgir Chhhattisgarh
3. Rajendra Kumar Jaltare S/o Shri Shivprasad Jaltare, Aged About 45 Years Working As Assistant Teacher Panchayat, Block Malkharoda, Distirct Janjgir Chhhattisgarh
4. Ramshanker Singh Sidar S/o Shri Mandhaluram Sidar, Aged About 41 Years Orking As Assistant Teacher Panchayat, Block Malkharoda, Distirct Janjgir Chhhattisgarh
5. Radheshyam Chandra S/o Dilchand Chandra, Aged About 45 Years Orking As Assistant Teacher Panchayat, Block Malkharoda, Distirct Janjgir Chhhattisgarh
6. Dhananjay Kumar Gavel S/o Gajanand Prasad Gavel, Aged About 45 Years Orking As Assistant Teacher Panchayat, Govt. Primary School, Bandhwa, Bhathapara Karigaon, Block Malkharoda, Distirct Janjgir Chhhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur Chhattisgarh
2. Chief Executive Officer, Jila Panchayat Janjgir, District Janjgir Chhhattisgarh

---- Respondents

For Petitioners	:	Shri K. S. Pawar, Advocate
For Respondent/State	:	Shri P. K. Bhaduri, GA

S.B. : Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

20/12/2016

Heard.

2. Learned counsel for the petitioners submits that since the petitioners are 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 petitioners may be given liberty to move representation before the appropriate authority so that the statutory remedy, which is available to the petitioners may be exhausted.

3. 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”

4. After going through the facts, it is directed that in case the petitioners 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 their 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.

5. 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.

6. With the aforesaid observation, the petition stands finally disposed off. No order as to cost(s).

SD/-
(Manindra Mohan Shrivastava)
Judge