NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4372 of 2016

- Smt. Salman Bara W/o Shri Nirmal Bara, Aged About 45 Years Working As Assistant Teacher Panchayat Presently Psoted On Primary School Kisanpara Pondikhurd, Thana Shankargarh, Block Shankargarh, District Balrampur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development, Department, Mahandi Bhawan, New Raipur Chhattisgarh
2. Chief Executive Officer, Zila Panchayat Balrampur, District Balrampur Chhattisgarh
3. Chief Executive Officer, Janpad Panchayat Shankargarh, District Balrampur Chhattisgarh
4. Block Education Officer, Shankargarh, Distirct Balrampur Chhattisgarh

---- Respondents

For Petitioner : Mr. Manoj Chauhan, Advocate
For State : Mr. S.P. Kale, Dy. Advocate Geneal

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

02/09/2016

Heard on admission.

1. The grievance ventilated through this petition is on account of non-consideration of petitioner's case for promotion on the next higher post of Teacher (Panchayat).

2. Learned counsel for the petitioner submits that the petitioner is 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 petitioner has completed minimum eligibility of 7 years and large number of posts of Teacher (Panchayat) are lying vacant. The petitioner enjoys 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 petitioner for promotion.

3. Learned counsel for the State submits that this grievance can be ventilated by the petitioner 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 petitioner prefers 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/-
(Manindra Mohan Shrivastava)
Judge

Chandra