

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4790 of 2016

1. Sharad Kumar Dubey S/o Shri Nandkishore Dubey, Aged About 31 Years Occupation Assistant Teacher Panchayat, Primary School Bhantasajapali, Sankul Khamhariya, R/o Village Bhantasajapali, Block Bilaigarh, Thana Sarsiwan, Revenue & Civil District Balodabazar- Bhatapara, (Chhattisgarh)
2. Aashish Kumar Dubey, S/o Shri Ganeshram Dubey, Aged About 30 Years Assistant Teacher, Panchayat, Primary School Jhumka, Block Bilaigarh, Thana Sarsiwan, Revenue & Civil District Balodabazar- Bhatapara, (Chhattisgarh)
3. Bhagvat Sahu, S/o Shri Ramlal Sahu, Aged About 33 Years Occupation Assistant Teacher, Panchayat, Primary School, Saleehabhat, Block Bilaigarh, Thana Sarsiwan, Revenue & Civil District Balodabazar- Bhatapara, (Chhattisgarh)
4. Shantanu Kumar Sahu, S/o Shri Shankarlal Sahu, Aged About 33 Years Occupation Assistant Teacher Panchayat, Primary School, Raokona, Sankul Raokona, R/o Village Raokona, Block Bilaigarh, Thana Sarsiwan, Revenue & Civil District Balodabazar- Bhatapara, (Chhattisgarh)
5. Triloknarayan Dewangan, S/o Goverdhan Dewangan, Aged About 32 Years Occupation Assistant Teacher, Primary School, Girwani, Sankul Salaunikala, R/o Village Girwani, Block & Thana Bilaigarh, Revenue & Civil District Balodabazar Bhatapara, (Chhattisgarh)
6. Ishwar Prasad Nayak, S/o Shri Devkumar Nayak, Aged About 30 Years Occupation Assistant Teacher Panchayat, Primary School Amodi, Sankul Gatadih, R/o Village Amodi, Block Bilaigarh, Thana Sarsiwan, Revenue & Civil District Balodabazar Bhatapara, (Chhattisgarh)
7. Deeleshwari Netam, D/o Shri Sanatkumar Netam, Aged About 30 Years Occupation Assistant Teacher Panchayat, Primary School Narband, Sankul, Gatadih, R/o Village Narband, Block Bilaigarh, Thana Sarsiwan, Revenue & Civil District Balodabazar Bhatapara, (Chhattisgarh)

----- Petitioners

Versus

1. State Of Chhattisgarh Through Secretary, Panchayat, Gramin Vikas Vibhag, Mantralaya, Naya Raipur, (Chhattisgarh)
2. Director, Panchayat, Sanchanalaya Chhattisgarh, Indrawati Bhawan, Naya Raipur, (Chhattisgarh)
3. Chief Executive Officer, Jila Panchayat Balodabazar Bhatapara, District

Balodabazar Bhatapara, (Chhattisgarh)

4. Chief Executive Officer, Janpad Panchayat, Bilaigarh, Distt. Balodabazar-Bhatapara, (Chhattisgarh)
5. Collector, Baloda Bazar- Bhatapara, District Baloda Bazar- Bhatapara, (Chhattisgarh)
6. District Education Officer, Baloda Bazar- Bhatapara, District Baloda Bazar- Bhatapara, (Chhattisgarh)

---- Respondents

For Petitioners	:	Shri Abdul Wahab Khan, Advocate
For State	:	Shri Bhaskar Payashi, Panel Lawyer

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

Order On Board

15/09/2016

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 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/-
(Manindra Mohan Shrivastava)
Judge