

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4904 of 2016

1. Manraj Ram S/o Shri Mahagul Ram, Aged About 40 Years Working As Shikshak Panchayat Grde III, Presently Posted On The Primary School Negitoli Farasahar Thana Block Farasabahar District Jashpur Chhattisgarh
2. Gopal Krishna Dansena S/o Shri Chinnilal Dansena, Aged About 35 Years Working As Shikshak Panchayat Grde III, Presently Posted On The Primary School Fokatpara Thana Block Farasabahar District Jashpur Chhattisgarh
3. Gokul Prasad Sai, S/o Shri Anand Sai, Aged About 32 Years Working As Shikshak Panchayat Grde III, Presently Posted On The Primary School Baro Thana Block Farasabahar District Jashpur Chhattisgarh
4. Sunita Bhagat, D/o Shir Jvakim Khes, Aged About 36 Years Working As Shikshak Panchayat Grde III, Presently Posted On The Primary School Upartola Bhagora, Thana Block Farasabahar District Jashpur Chhattisgarh
5. Laldev Ram Bhagat, S/o Shri Mandul Ram Bhagat, Aged About 35 Years Working As Shikshak Panchayat Grde III, Presently Posted On The Primary School Dumarjor, Thana Block Farasabahar District Jashpur Chhattisgarh
6. Pawan Kumar Panjak S/o Shri Hirdayal Pankaj, Aged About 35 Years Working As Shikshak Panchayat Grde III, Presently Posted On The Primary School Ghogharjor Khutgaon, Thana Block Farasabahar District Jashpur Chhattisgarh
7. Anand Kumar Ram, S/o Shri Abil Ram, Aged About 35 Years Working As Shikshak Panchayat Grde III, Presently Posted On The Primary School Jamjhor Tuba, Thana Block Farasabahar District Jashpur Chhattisgarh
8. Pushpa Painkra D/o Shri Baildo Sai, Aged About 35 Years Working As Shikshak Panchayat Grde III, Presently Posted On The Primary School Patwakona Pandaripani Thana Block Farasabahar District Jashpur Chhattisgarh
9. Dewanti Painkra W/o Shri Manbhajan Sai, Aged About 40 Years Working As Shikshak Panchayat Grde III, Presently Posted On The Primary School Awratoli Thana Block Farasabahar District Jashpur Chhattisgarh
10. Emmacola Kujur, D/o Shri Anal Prakash Kujur, Aged About 50 Years Working As Shikshak Panchayat Grde III, Presently Posted On The Primary School Khavaskani, Thana Block Farasabahar District Jashpur Chhattisgarh

11. Govind Narayan Singh, S/o Shri Phulchand Singh, Aged About 35 Years Working As Shikshak Panchayat Grde III, Presently Posted On The Primary School Yadavtoli, Uparghicha, Thana Block Farasabahar District Jashpur Chhattisgarh
12. Smt. Anjlina Tirkey D/o Shri Siril Tirkey, Aged About 40 Years Working As Shikshak Panchayat Grde III, Presently Posted On The Primary School Rapdand Kersai, Thana Block Farasabahar District Jashpur Chhattisgarh
13. Smt. Kanti Kerketta D/o Shri Josef Kerketta, Aged About 42 Years Working As Shikshak Panchayat Grde III, Presently Posted On The Primary School Negitoli Farsabahar, Thana Block Farasabahar District Jashpur Chhattisgarh
14. Anup Kumar Painkra, S/o Shri Prabhu Sai, Aged About 40 Years Working As Shikshak Panchayat Grde III, Presently Posted On The Primary School Kendutoli, Mahua, Thana Block Farasabahar District Jashpur Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development, Mahanadi Bhawan New Raipur Chhattisgarh
2. Chief Executive Officer, Zila Panchayat Jashpur, Distirct Jashpur Chhattisgarh
3. Chief Executive Officer, Janpad Panchayat Farsabahar, District Jashpur Chhattisgarh
4. Block Education Officer, Farasbahar District Jashpur Chhattisgarh

---- Respondents

For Petitioners	: Shri Manoj Chouhan, Advocate
For Respondent-State	: Shri Gary Mukhopadhyay, Dy. G.A.

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

Order On Board

20/09/2016

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 them 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