

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5065 of 2016

1. Smt. Vasna Sahu W/o Atmaram Sahu, Aged About 40 Years Assistant Teacher (Panchayat), Govt. Boys Primary School, Tumgaon, District Mahasamund (Chhattisgarh)
2. Komal Ram Nishad, S/o Amaru Ram Nishad, Aged About 37 Years Working As Assistant Teacher (Panchayat), Govt. Primary School, Chingraud, District Mahasamund, (Chhattisgarh)
3. Smt. Karuna Thakur (Before Marriage Karuna Singh Dhurve), W/o Shri Chandrashekhar Singh Thakur, Aged About 40 Years Working As Assistant Teacher (Panchayat), Govt. Primary School, Bhasthapara, Tumgaon, Tahsil And District Mahasamund, (Chhattisgarh)
4. Rahul Chowdhary, S/o Shri Gopal Chowdhary, Aged About 40 Years Working As Assistant Teacher (Panchayat), Govt. Primary School, Chingraud, Tahsil And District Mahasamund, (Chhattisgarh)
5. Roman Lal Chandrakar, S/o Radhelal Chandrakar, Aged About 40 Years Working As Assistant Teacher (Panchayat), Govt. Primary School, Gadaghat, Tahsil And District Mahasamund, (Chhattisgarh)
6. Smt. Trilopma Dewangan, W/o Govind Dewangan, Aged About 40 Years Working As Assistant Teacher (Panchayat), Govt. Primary School, Boriyajhar, Tahsil And District Mahasamund, (Chhattisgarh)
7. Krishna Kumar, S/o Ramadhar Chandrakar, Aged About 46 Years Working As Assistant Teacher (Panchayat), Govt. H. S. S. Primary School, Bhorring, Tahsil And District Mahasamund, (Chhattisgarh)
8. Nitesh Kumar Sahu, S/o Niranjan Lal Sahu, Aged About 38 Years Working As Assistant Teacher (Panchayat), Govt. Primary School, Jobakala, Tahsil And District Mahasamund, (Chhattisgarh)
9. Smt. Gayatri, W/o Pokhan Lal Chandrakar, Aged About 38 Years Working As Assistant Teacher (Panchayat), Govt. Primary School, Kharora, Block Mahasamund, Tahsil And District Mahasamund, (Chhattisgarh)
10. Smt. Sheela Chandrakar, W/o Santosh Chandrakar, Aged About 43 Years Working As Assistant Teacher (Panchayat), Govt. Primary School, Nadgaon, Block, Tahsil And District Mahasamund, (Chhattisgarh)
11. Bhuneshwari Sharma, W/o Manoj Shrama, Aged About 43 Years Working As Assistant Teacher (Panchayat), Govt. Primary School, Labhrakhurd, Block, Tahsil And District Mahasamund, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat, Mahanadi

Bhavan, Mantralaya, New Raipur, District Raipur, (Chhattisgarh)

2. Chief Executive Officer, Jila Panchayat, Mahasamund, District Mahasamund, (Chhattisgarh)

---- Respondents

Shri Ajay Shrivastava, counsel for the petitioner/s.
Shri R.K.Gupta, Dy.A.G. for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

22/09/2016

Heard on admission.

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). 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