

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.5231 of 2016**

1. Anud Kumar W/o Shri Mansai Ram, Aged About 40 Years Working As Assistant Teacher (Panchayat), Presently Posted On Primary School Tilhakhori, Thana + Block- Kushmi, Distt. Balrampur (Chhattisgarh)
2. Suneshwar Ram, S/o Shri Shanichar Ram, Aged About 41 Years Working As Assistant Teacher (Panchayat), Presently Posted On Primary School, Natwar Nagar, Thana + Block - Kushmi, Distt. Balrampur, (Chhattisgarh)
3. Sitaram, S/o Shri Lachu Ram, Aged About 40 Years Working As Assistant Teacher (Panchayat) Presently Posted On Primary School Chainpur, Thana + Block- Kusmi, Distt Balrampur, (Chhattisgarh)
4. Sunil Ekka, S/o Shri Chhana Ekka, Aged About 43 Years Working As Assistant Teacher (Panchayat), Presently Posted On Primary School Kataipatra, Thana-Samri, Block- Kushmi, Distt. Balrampur, (Chhattisgarh)

---- Petitioners

Versus

1. State Of Chhattisgarh Through: The Secretary, Panchayat And Rural Development Department, Mahanadi Bhawan, New Raipur, (Chhattisgarh)
2. Chief Executive Officer, Zila Panchayat, Balrampur, Distt. Balrampur, (Chhattisgarh)
3. Chief Executive Officer, Janpad Panchayat, Kushmi, Distt. Balrampur, (Chhattisgarh)
4. Block Education Officer, Kushmi, Distt. Balrampur, (Chhattisgarh)

---- Respondents

For Petitioners	:	Mr. Manoj Chauhan, Advocate
For Respondent-State	:	Mr. Dilmanrati Minj, Dy. Govt. Advocate

Hon'ble Shri Manindra Mohan Shrivastava, J.**Order on Board****27/09/2016**

1. Heard on admission.

2. 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).

3. 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 is therefore within the zone of consideration. However, till date, respondents have not considered the case of the petitioners for promotion.

4. 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.

5. This Court, in similar cases, has already disposed off the petition with a direction to consider representation in terms of statutory rules.

6. Accordingly, this petition is also disposed off with a direction that in case the petitioners prefer representations, 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

Tiwari