

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5461 of 2016

1. Nainsukh Kujur S/o Shri Mangal Kujur Aged About 44 Years Occupation, Teacher Panchayat, Govt. Middle School Premnagar R/o Gram Premnagar Block Kanshabel Thana Kanshabel Revenue & Civil District Jashpur (Chhattisgarh)
2. Smt. Agustena Tirky D/o Shri Siril Kerketta Aged About 41 Years Occupation, Teacher Panchayat, Govt. Middle School Baasbahar, R/o Gram Baasbahar Block & Thana Kanshabel Revenue & Civil District Jashpur (Chhattisgarh)
3. Arun Kumar Khakha S/o Shri Nainshukh Khakha Aged About 47 Years Occupation, Teacher Panchayat/ Vyayam Teacher Higher Secondary School Chetba R/o Gram Chetba Block Kanshabel Thana Kanshabel Revenue & Civil District Jashpur (Chhattisgarh)
4. Chandramohan Shay Paikra S/o Shri Chamarshay Paikra Aged About 48 Years Occupation, Teacher Panchayat, Govt. Middle School Hathgada R/o Gram Hathgada Block Kanshabel Thana Kanshabel Revenue & Civil District Jashpur (Chhattisgarh)

---- Petitioners

Versus

1. State Of Chhattisgarh Through Secretary, Panchayat, Gramin Vikash Vibhag, Mantralay Naya Raipur (Chhattisgarh)
2. Director, Panchayat Sanchalnalay Chhattisgarh, Indrawati Bhawan Naya Raipur (Chhattisgarh)
3. Chief Executive Officer, Jila Panchayat, Jashpur, District Jashpur (Chhattisgarh)
4. Chief Executive Officer, Janpad Panchayat Kaanshabel District Jashpur (Chhattisgarh)
5. Collector, Jashpur, District Jashpur (Chhattisgarh)
6. District Education Officer, Jashpur, District Jashpur (Chhattisgarh)

---- Respondents

Shri Abdul Wahab Khan, counsel for the petitioner/s.
Shri Sangharsh Pandey, Dy.G.A. for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

04/10/2016

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 "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