

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 938 of 2017

1. Vishwanth Singh S/o Shri Bhanwar Sai, Aged About 46 Years Primary School Bachhiyabandh, Post Patna (Kot) District Surajpur (Chhattisgarh)
2. Nirmal Prasad Singh S/o Sukhlal Ram Aged About 42 Years Primary School Uraon Para Kot, Post Patna Kot, District Surajpur (Chhattisgarh)
3. Nand Lal Singh S/o Shri Shiv Nath Singh Aged About 42 Years Primary School Bhadarapara (Pampapur), Post Patna Kot, District Surajpur (Chhattisgarh)
4. Ghanshyam Singh S/o Shri Babulal Singh Aged About 48 Years Primary School Uraonpara Kot, Post Patna Kot, District Surajpur (Chhattisgarh)
5. Vinay Kumar Singh S/o Shri Mithleshwar Singh, Aged About 29 Years Primary School Vishunpur, Post Devnagar, District Surajpur (Chhattisgarh)
6. Mohar Sai S/o Shri Chamru Ram Aged About 42 Years Primary School Ram Tirth, Post Kachanpur, District Surajpur (Chhattisgarh)
7. Katyani Kumar Bisen S/o Shri Narendra Prasad Aged About 47 Years Primary School Bodaripara, Parmeshwarapur, District Surajpur (Chhattisgarh)
8. Shivraj Singh S/o Shri Prabhu Narayan Singh, Aged About 40 Years Primary School Sunderpur, Ramtirth, Post Kanchanpur, District Surajpur (Chhattisgarh)
9. Beni Prasad S/o Shri Motiram Aged About 37 Years Primary School Sunderpur Ramtirth, Post Kanchanpur, District Surajpur (Chhattisgarh)
10. Neetu Kumari D/o Shri Dharmpal Aged About 32 Years Primary School Barpali Barhol, Post Tejpur, District Surajpur (Chhattisgarh)
11. Heerasai S/o Shri Vishwanath Singh Aged About 33 Years Primary School Chanderpur, Post Patna Kot, District Surajpur (Chhattisgarh)
12. Smt. Dhaneshwari Rajwade W/o Shri Ajay Kumar Aged About 38 Years Government Girls Higher Secondary School Ramanujnagar, District Surajpur (Chhattisgarh)

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Versus

1. State Of Chhattisgarh Through Secretary, Panchayat And Social Welfare Department Mantralaya, Mahanadi Bhawan, Naya Raipur Tehsil & District Raipur (Chhattisgarh)
2. Zila Panchayat, Through : Chief Executive Officer, Surajpur, District Surajpur (Chhattisgarh)

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For Petitioner	:	Shri Anup Mazumdar, Advocate
For State/Respondents	:	Shri Syed Majid Ali, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order on Board

23.02.2017

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 is 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 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 representations.

Sd/-
(P. Sam Koshy)
JUDGE