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HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2347 of 2017**

- Khelawan Kumar Nirala S/o Shri Jharokha, Aged About 32 Years Presently Working As Teacher (Panchayat), Government Middle School, Aamakoni, Block Sarangarh, District Raigarh (Chhattisgarh)

---- Petitioner**Versus**

1. State of Chhattisgarh Through Secretary, Department Of School Education, Mahanadi Bhavan, Capital Complex, New Raipur, P. S. Rakhi, District Raipur (Chhattisgarh)
2. Zila Panchayat, Raigarh Through Chief Executive Officer, Raigarh, District Raigarh (Chhattisgarh)
3. Dr. C. V. Raman University Through Registrar, Kargi Road Kota, District Bilaspur (Chhattisgarh)
4. University Grant Commission Through The Secretary, University Grant Commission Bahadur Shah Zafar Marg, New Delhi (India)
5. Smt. Prassan Kumari Ekka, Presently Working As Lecturer Panchayat, Mahaloi Higher Secondary School, Block Pusaur, District Raigarh (Chhattisgarh)
6. Mahesh Ram Dandsena, Presently Working As Lecturer Panchayat, Hirri Higher Secondary School, Block Dharamjaigarh, District Raigarh (Chhattisgarh)

---- Respondent**And****WPS No. 2363 Of 2017**

- Haswant Singh Jangdey S/o Shri Maniram Jangde, Aged About 32 Years Presently Working As Teacher (Panchayat), Government Middle School, Gatadih, Block- Sarangarh, District Raigarh, Chhattisgarh.

---- Petitioner**Vs**

1. State of Chhattisgarh Through Secretary, Department of School Education, Mahanadi Bhavan, Capital Complex, New Raipur, Police Station Rakhi, District Raipur, Chhattisgarh.
2. Zila Panchayat, Raigarh, Through Chief Executive Officer, Raigarh, District

Raigarh, Chhattisgarh.

3. Dr. C. V. Raman University, Through Registrar, Kargi Road, Kota, Distt. Bilaspur, Chhattisgarh.
4. University Grant Commission, Through The Secretary, University Grant Commission, Bahadur Shah Zafar Marg, New Delhi (India)
5. Smt. Prassan Kumari Ekka, Presently Working As Lecturer Panchayat, Mahaloi Higher Secondary School, Block- Pusaur, District Raigarh, Chhattisgarh.
6. Mahesh Ram Dandsena, Presently Working As Lecutrer Panchayat, Hirri Higher Secondary School, Block Dharamjaigarh, District Raigarh, Chhattisgarh.

---- Respondent

For Petitioners	:	Shri Sudeep Agrawal, Advocate
For Respondents	:	Shri Satish Gupta, GA for the State

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

19/05/2017

1. Learned counsel for the petitioners submits that since the petitioners are member of Panchayat Service, therefore, statutory representation is provided under Rules 18(1)(b) of Panchayat Service (Discipline and Appeal) Rules, 1999. It is contended that since the matter relates to promotion, therefore, the petitioners may be given liberty to move representation before the appropriate authority so that the statutory remedy, which is available to the petitioner may be exhausted.
2. The relevant Rule 18(1)(b) of Panchayat Service (Discipline and Appeal) Rules, 1999 as referred is quoted hereunder:-

“18. Representation on other cases.-(1) A member of the Panchayat Service may make representation against an order which.-

(a) x x x x x

(b) denies promotion to a higher post or service to which is other wise eligible according to the

recruitment rules and which is due to him according to seniority; or”

3. After going through the facts, it is directed that in case the petitioners make suitable applications as per Rules 18(1)(b) of Panchayat Service (Discipline and Appeal) Rules, 1999 along with application for condonation of delay, if so advised and place their grievances along with all the documents, in such cases, the prescribed authority may decide the same within further period of three months on the facts available before it.
4. It is made clear that this Court has not expressed any opinion on the merits of the case and the respondent authorities may decide the representation on its own merits.
5. With the aforesaid observation, both writ petitions stand finally disposed off.
No order as to cost(s).

Sd/-

Judge

Prashant Kumar Mishra

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