

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) NO. 856 OF 2017

Smt. Sandhya Bais, W/o Shri Dhanesh Singh, aged about 33 years, working as Shiksha Karmi Grade-III, Assistant Teacher (Panchayat) posted at Govt. High School Ranveerpur, Block Sahaspur Lohara, District Kabirdham (C.G.)

... Petitioner

Versus

1. State of Chhattisgarh, through the Secretary, Department of Panchayat, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur (C.G.)
2. Chief Executive Officer, Zila Panchayat Kabirdham, District Kabirdham (C.G.)

... Respondents

For Petitioner	:	Mr. Ajay Shrivastava, Advocate.
For Respondent-State	:	Mr. Gary Mukhopadhyay, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

20/02/2017

1. Learned Counsel for the Petitioner submits that since the Petitioner is a member of Panchayat Service and therefore the statutory representation is provided under Rules 18(1)(b) of Panchayat Service (Discipline and Appeal) Rules, 1999. He further submits that since the matter relates to promotion, the Petitioner 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 Petitioner makes a suitable application 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 places her grievances along with all the documents, in such case, 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, the present writ petition stands finally disposed of. No order as to cost(s).

Sd/-
(P. Sam Koshy)
Judge