

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3098 of 2017

1. Vinod Kumar Sahu S/o Shri Santan Sahu, Aged About 34 Years Assistant Teacher (Panchayat) At Govt. Primary School, Aheri, Block Dhamdha, District Durg, Chhattisgarh.
2. Kishore Kumar Madharia S/o Shri Bhagwati Prasad Madharia, Aged About 38 Years Assistant Teacher (Panchayat) At Govt. Primary School, Kapasda (Now Attached At Govt. Police Station Akola) Block Dhamdha, District Durg, Chhattisgarh.

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary, Panchayat & Rural Development Department, Mantralaya, Mahanadi Bhavan, Naya Raipur, District Raipur, Chhattisgarh.
2. District Panchayat, Durg, Through Its Chief Executive Officer, District Durg, Chhattisgarh
3. Janpad Panchayat, Dhamdha Through Its Chief Executive Officer, Dhamdha, District Durg, Chhattisgarh
4. Block Education Officer, Block Dhamdha, District Durg, Chhattisgarh.

---- Respondents

Shri A.S.Rajput, counsel for the petitioner/s.
Ms. Sunita Jain, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

17/07/2017

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