

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No.439 of 2017

Manisha Lonhare D/o Late Uttam Lal Lonhare Aged About 32 Years
Working As Assistant Teacher (Panchayat) Posted At Govt. Primary
School Dumardih Block Bagbahra, District Mahasamund
(Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of
Panchayat Mahanadi Bhawan, Mantralaya, New Raipur, District
Raipur (Chhattisgarh)
2. Chief Executive Officer, Zila Panchayat, Mahasamund, District
Mahasamund (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Ajay Shrivastava, Advocate
For State	:	Shri Dhiraj Wankhede, Govt. Advocate

S.B.:Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

30/01/2017

Heard.

1. Learned counsel for the petitioner submits that since the petitioner is a 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 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 his 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, the petition stands finally disposed off. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

L/-