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HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 5891 of 2016**

1. Balnath Markam S/o Shri Pankaram Markam, Aged About 35 Years Occupation Teacher Panchayat, Govt. Uchch. Prathmik School Kondagaon, R/o Village Jadkonga, Block & Thana Makadi, District Kondgaon, (Chhattisgarh)
2. Mangalram Netam, S/o Shri Bogaram Netam, Aged About 41 Years Occupation Teacher Panchayat, Govt. Uchha Prathmik School Kosahardooli, R/o Village Kosahardooli, Block & Thana Makadi, District Kondgaon, (Chhattisgarh)
3. Rajaram Markam, S/o Shri Phatakuram Markam, Aged About 36 Years Occupation Teahcer Panchayat, Govt. Uchch. Prathmik School Ondari, R/o Village Ondari, Block & Thana Makadi, District Kondgaon, (Chhattisgarh)
4. Smt. Sanmati Markam W/o Shri Ramlal Markam, Aged About 37 Years Occupation Teacher Panchayat, Govt. Uchch Prathmik School, Naya Para, Randhna, R/o Village Nayapara, Randhna, Block & Thana Makadi, District Kondgaon, (Chhattisgarh)
5. Kumari Lata Markam, D/o Shri Miroram Markam, Aged About 37 Years Occupation Teacher Panchayat, Govt. Uchch Prathmik School, Nayapara Randhna, R/o Village Nayapara Randhna, Block & Thana Makadi, District Kondagaon, (Chhattisgarh)

---- Petitioners**Versus**

1. State Of Chhattisgarh Through Secretary, Panchayat, Gramin Vikas Vibhag, Mantralaya, Naya Raipur, (Chhattisgarh)
2. Director, Panchayat, Sanchanalaya, Chhattisgarh, Indravati Bhawan, Naya Raipur, (Chhattisgarh)
3. Chief Executive Officer, Jila Panchayat, Kondagaon, District Kondagaon, (Chhattisgarh)
4. Chief Executive Officer, Janpad Panchayat, Makadi, District Kondagaon, (Chhattisgarh)
5. Collector, Kondagaon, District Kondgaon, (Chhattisgarh)
6. District Education Officer, Kondagaon, District Kondgaon, (Chhattisgarh)

---- Respondents

For Petitioners	: Shri Rajendra Kumar Patel, Advocate.
For State	: Shri Prasun Bhaduri, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

06/02/2017

1. The grievance ventilated through this petition is on account of non- consideration of petitioners case for promotion on the next higher post of Lecturer (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 Lecturer (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/-

(Sanjay K. Agrawal)
Judge