

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 7119 of 2016

Shushil Tirkey, S/o Zirku Tirkey, aged about 33 years, presently working as Assistant Teacher (Panchayat) at Govt. Primary School Lotanpara, Block Lakhanpur, R/o Village Lakhanpur, P.S. Lakhanpur, District Surguja (C.G.)

---- Petitioner

Versus

1. State Of Chhattisgarh Through the Secretary, Department Of School Education, Mahanadi Bhawan, Mantralaya, New Raipur, Distirct Raipur Chhattisgarh
2. The Collector, Surguja, District Surguja (C.G.)
3. The Chief Executive Officer, Zila Panchayat Surguja, District Surguja (C.G.)
4. The Chief Executive Officer, Janpad Panchayat Block Lakhanpur, District Surguja (C.G.)

---- Respondents

For Petitioner : Shri Anshul R. Shrivastava, Advocate.
For Respondents/State : Shri Gary Mukhopadhyaya, Dy. G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

02/01/2017

1. The grievance ventilated through this petition is on account of non- consideration of petitioner's case for promotion on the next higher post of Teacher (Panchayat).
2. Learned counsel for the petitioner submits that the petitioner is 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 petitioner has completed minimum eligibility of 7 years and large number of posts of Teacher (Panchayat) are lying vacant. The

petitioner 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 petitioner for promotion.

3. Learned counsel for the State submits that this grievance can be ventilated by the petitioner 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 subject to availability of the posts.

6. This Court has not expressed any opinion on the merits of the case and the authority concerned shall decide the petitioner's representation on its own merits in accordance with law.

Sd/-

(Sanjay K. Agrawal)
Judge