

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPS No. 3851 of 2018**

- Ghanshyam Kumar S/o Lilaram Yadav, Aged About 36 Years Presently Posted As Assistant Teacher (Panchayat) At Government Primary School Badgaon, Mahasamund R/o Village Birkoni, Tahsil And District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh Through Its Secretary Department Of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Chief Executive Officer, Zila Panchayat Mahasamund District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh
3. Chief Executive Officer, Janpad Panchayat Mahasamund District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh
4. Block Education Officer, Mahasamund District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh

**---- Respondents**

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| For Petitioners      | : | Shri Mateen Siddiqui, Advocate |
| For Respondent/State | : | Shri Dhiraj Wankhede, GA       |

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**S.B. : Hon'ble Shri Justice Manindra Mohan Shrivastava**

**Order On Board**

**18/05/2018**

Heard.

2. Learned counsel for the petitioners 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.

3. 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”

4. 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 their grievances along with all the documents, in such cases, the prescribed authority may decide the same within further period of six months on the facts available before it.

5. 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.

6. With the aforesaid observation, the petition stands finally disposed off. No order as to cost(s).

SD/-  
**(Manindra Mohan Shrivastava)**  
**Judge**