

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 6045 of 2018

1. Deepak Kumar Patel S/o Late Shri Kaushal Prasad Patel, Aged About 34 Years, Occupation - Assistant Teacher Panchayat, Government Primary School, Jarhadeeh, R/o Village Jarhadeeh, Thana Batauli, District Sarguja, Chhattisgarh.
2. Satyendra Prajapati S/o Late Shri Yadunandan Prajapati, Aged About 27 Years, Occupation - Assistant Teacher Panchayat, Government Boys Higher Secondary School, Batauli, R/o Village Batauli, Thana Batauli, District Sarguja Chhattisgarh.
3. Om Mishra S/o Shri Santosh Mishra, Aged About 27 Years, Occupation - Assistant Teacher Panchayat, Government Primary School, Kaalipur, R/o Village Kaalipur, Batauli Thana Batauli, District Sarguja Chhattisgarh.

---Petitioners

Versus

1. State Of Chhattisgarh, Through Secretary, Panchayat, Gramin Vikash Vibhag, Mantralay, Naya Raipur, Chhattisgarh.
2. Director, Panchayat Sanchalnalay Chhattisgarh, Indrawati Bhawan, Naya Raipur, Chhattisgarh.
3. Chief Executive Officer, Jila Panchayat Sarguja, District Sarguja Chhattisgarh.
4. Chief Executive Officer, Janpad Panchayat, Batauli, District Sarguja Chhattisgarh.
5. Collector, Sarguja, District Sarguja Chhattisgarh.
6. District Education Officer, Sarguja, District Sarguja Chhattisgarh.

---Respondents

For petitioners	:	None.
For State	:	Shri Rajkumar Gupta, Dy.A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

14/09/2018

1. Heard on admission.

2. The grievance ventilated through this petition is on account of nonconsideration of petitioner's case for promotion on the next higher post of Teacher (Panchayat).

3. 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 petitioner has completed minimum eligibility of 7 years and large number of posts of Teacher (Panchayat) are lying vacant. All the petitioners enjoys a very high position in the seniority list and is therefore within the zone of consideration. However, till date, respondents have not considered the case of the petitioner for promotion.

4. 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.

5. This Court, in similar cases, has already disposed off the petition with a direction to consider representation in terms of statutory rules.

6. 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/-

(P. Sam Koshy)
JUDGE

Sumit