

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 47 of 2019**

Smt. Neelu Gupta W/o Shri Alok Gupta, Aged About 37 Years
Occupation - Sahayak Shikshak Panchayat, Govt. Prathamik Sala
Batouli, Niwasi - Gram Batouli, Vikashkhand Batouli, Thana Batouli,
District Surguja Chhattisgarh

---Petitioner

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 petitioner	:	Shri Abdul Wahab Khan, Advocate
For State	:	Shri Saleem Kazi, Additional A. G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

08/01/2019

1. Heard on admission.
2. The grievance ventilated through this petition is of non-consideration of petitioner's case for promotion on the next higher post of Teacher (Panchayat).
3. 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 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 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.

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 petitioner prefers a fresh representation in addition to the representation already pending, 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

Bhola