

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 7634 of 2019

Rikeshwar Kumar Sahu S/o Mr. Kangalu Ram Sahu Aged About 39 Years
By Occupation Assistant Teacher (Local Body), Govt. Primary School
Charbhata, Block Narharpur, District Uttar Bastar Kanker Chhattisgarh.

---- Petitioner(s)

Versus

1. The State of Chhattisgarh Through The Secretary, School Education Department, Mantralaya, Mahanandi Bhawan, Atal Nagar Naya Raipur District Raipur Chhattisgarh.
2. Secretary Panchayat and Rural Development, Department, Mantralaya, Mahanandi Bhawan, Atal Nagar, Naya Raipur District Raipur Chhattisgarh.
3. District Education Officer District Kanker Chhattisgarh.
4. Chief Executive Officer Jila Panchayat, District Uttar Baster Kanker Chhattisgarh.
5. Block Education Officer Block Development Narharpur, District Uttar Bastar Kanker Chhattisgarh.

---Respondents

For Petitioner	:	Shri Parag Kotecha, Advocate.
For State	:	Shri Anshuman Shrivastava, PL.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

23.09.2019

1. Defaults pointed out by the Registry as of now stands ignored.
2. The grievance of the petitioner in the instant petition is to the order dated 07.08.2019 (Annexure P/8) passed by the respondent No.5 whereby the earlier order of relieving issued by the respondent No.5 on 04.07.2019 has been cancelled.
3. The facts of the case is that, the petitioner working as Assistant Teacher was denied of his promotion which led to the filing of the writ petition No.2823 of 2017. The said writ petition was disposed of on 29.01.2018 directing the respondents to consider the grievance of the petitioner. The respondent No.4 vide order dated 23.08.2018 allowed the representation of the petitioner holding that the petitioner is entitled for promotion and

ordered for grant of promotion w.e.f. 15.06.2017 on the post of Teacher (Panchayat). While passing the order dated 23.08.2018, the petitioner was ordered to be posted at Rengawahi, Block Koylibeda, District Kanker. The petitioner made a representation to the respondent No.4 requesting for change of posting. The respondent No.4 allowed the same and modified the place of posting vide order dated 24.06.2019 (Annexure P/3) and ordered for posting the petitioner to Govt. Higher Secondary School, Kotatara, Block Charama, District Kanker. Though the order was passed on 24.06.2019 and more than three months have passed, the said order till date has not been executed. In between, the respondent No.5 has issued an order dated 04.07.2019 relieving the petitioner to join the School at Kotatara, however, vide the impugned order dated 07.08.2019 (Annexure P/8) the said joining letter dated 04.07.2019 without assigning any reason has been cancelled.

4. This court, at this juncture, would not like to decide the veracity of the order dated 07.08.2019. All that, this court makes an observation is that in the light of the order dated 07.08.2019 being passed, the position stands the same i.e. the petitioner has been promoted vide order dated 23.08.2018 as Teacher (Panchayat) and vide order dated 24.06.2019 the petitioner has been ordered to be posted at Govt. Higher Secondary School, Kotatara, Block Charama. The said order of posting has not been modified/amended/recalled or cancelled. The said order still holds good as of now. Accordingly, the order of promotion requires implementation since more than three months have passed from the date the order were passed by the respondent No.4.
5. Given the aforesaid facts and circumstances of the case, let the respondents No.3&4 take an appropriate step in this regard and ensure

that the order of promotion dated 23.08.2018 and order 24.06.2019 is executed at the earliest preferably within a period of three months from the date of receipt of copy of this order.

6. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

inder