
Bedram Tandekar Vs State Of Chhattisgarh And Ors

Writ Petition (S) No. 5529 Of 2018

Court: Chhattisgarh High Court

Date of Decision: Aug. 28, 2018

Acts Referred:

Panchayat Service (Discipline And Appeal) Rules, 1999 "Rule 18(1)(b)

Hon'ble Judges: P. Sam Koshy, J

Bench: Single Bench

Advocate: Shaleen Singh Baghel, Ratan Pusty

Final Decision: Disposed Of

Judgement

P. Sam Koshy, J

1. Heard on admission.

2. 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).

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 her 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 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.