
(2018) 07 CHH CK 0279

Chhattisgarh High Court

Case No: Writ Petition (S) No. 3244 Of 2018

Chandrika Prasad
Yadav And Ors

APPELLANT

Vs

State Of Chhattisgarh
And Ors

RESPONDENT

Date of Decision: July 23, 2018

Acts Referred:

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

Hon'ble Judges: Sharad Kumar Gupta, J

Bench: Single Bench

Advocate: Vivek Shrivastava, R.K. Gupta

Final Decision: Disposed Of

Judgement

Sharad Kumar Gupta, J

1. Heard counsel for the parties.

2. The grievance ventilated through this petition is on account of non-consideration of petitioners' case for promotion on the next higher post.

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

petitioners have completed minimum eligibility of 7 years and large number of posts of Teacher (Panchayat) are lying vacant. 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 petitioners 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 their in

accordance to seniority.

5. The matter is squarely covered by order dated 21/09/2016 passed by the coordinate Bench in Writ Petition (S) No.4957 of 2016 in the matter of

'Smt. Supritee Ghosh vs. State of Chhattisgarh and others' .

6. Accordingly, this petition is also disposed off with a direction that in case the petitioners prefers representations, 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.