
(2018) 07 CHH CK 0106
In the Chhattisgarh High Court
Case No : WPS No. 3244 of 2018

Chandrika Prasad Yadav

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision : 23-07-2018

Acts Referred:

Panchayat Service (Discipline and Appeal) Rules, 1999 — Rule 18(1)(b)

Citation : (2018) 07 CHH CK 0106

Hon'ble Judges : SHARAD KUMAR GUPTA, J

Bench : Single Bench

Advocate : Vivek Shrivastava, R.K. Gupta

Final Decision : Disposed off

Judgement

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.