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In the Court of Commissioner for Persons with Disabilities
National Capital Territory of Delhi
25- D, Mata Sundari Road, Near Guru Nanak Eye Centre, New Delhi-2
Phone-011-23216002-04, Telefax: 011-23216005, Email: comdis.delhi@nic.in
[Vested with powers of Civil Court under the Persons with Disabilities
(Equal Opportunities, Protection of Rights and Full Participation) Act, 1995]

Case No. 4/1334/2016-Wel./CD/2619-20

Dated: 5/4/17

In the matter of:

Sh. Chander Pal Singh,
H.No. 1143, MS Old Type -2,
Timarpur,
Delhi - 110054

..... Complainant

Versus

The Director,
Directorate of Education,
Old Sectt., Delhi-110054

..... Respondent

Present

Sh. Chander Pal Singh, Complainant.

Smt. Somya Gupta, Director(Education) on behalf of Respondent.

Date of hearing: 29.03.2017

ORDER

Sh. Chandra Pal Singh, a person with blindness submitted a complaint dated 08.07.2016 to this Court. He submitted that he was working a Vice-Principal and was Head of School upto 02.07.2016 in Sarvodaya Bal Vidyalaya (SBV), Timarpur. He was transferred to GOC without his consent on 01.07.2016. His name was also removed from the computer without relieving him. Because of this, he is getting harassment and if the situation continues he will also face financial hardship. He, therefore, requested that his transfer from SBV Timarpur be stayed. A copy of the complaint was also received from the Office of the Chief Commissioner for Persons with Disabilities vide their letter dated 11.07.2016.

2. The complaint of Sh. Chandra Pal Singh was taken up with the Directorate of Education, GNCT of Delhi vide communication dated 16.08.2016 and an action taken report was sought by 26.08.2016, followed by reminders dated 10.10.2016 and 15.11.2016. As the action taken report was not received, a hearing was scheduled on 26.12.2016. Office of the Dy. Director(Education), District (North) vide letter dated 12.02.2017 informed that on the basis of a complaint against Sh. Chandra Pal Singh, Vice Principal, he was transferred and was asked to report to Gazetted Officer Cell (GOC)/DOE(HQ). Later on an inquiry was instituted under the chairpersonship of the Dy. Director Education (North) which was conducted on 28.07.2016 by the District Office and the financial irregularities were reported to the Directorate with the recommendation to hold a special audit of the School. A special audit was conducted by the Audit Branch of Directorate of Education from 22.08.2016 to 26.08.2016. It is further stated that a show

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cause notice was issued to the complainant by Special Director(Vig.) on 10.11.2016 to which he submitted reply on 23.11.2016. The Dy. Director(Education), District North further submitted that the reply submitted by Sh. Chandra Pal Singh was under examination and further action shall be taken in accordance with CCS (Conduct) Rules. His pay however has been adjusted from SBV, Sham Nath Marg.

3. The Dy. Director Education, North vide letter dated 18.02.2017 informed that the case of financial irregularities against the complainant was pending in the Head Office. Therefore, they are unable to take any decision regarding his representation for posting to SBV Timarpur and requested for rescheduling the hearing after one month. During the hearing on 21.03.2017, the complainant expressed concern about too much time being taken to take action on the inquiry report. The respondent was, therefore, given another opportunity to be present on 29.03.2017 for hearing.

4. In response to the proceedings dated 21.03.2017, the respondent submitted a copy of letter No. F. 23/Lf/posting/2015/Edn./GOC/3837 dated 28.03.2017. As per the said letter, the complainant while working as Head of Office / DDO in SBV Timarpur had withdrawn Rs. 3,50,000/- without any details / bills and without seeking approval of the competent authority and without the knowledge of the cashier of the school and SMC Members regarding the work to be done through VKS funds. Being Head of Office, he was authorised to utilise amount of Rs. 50,000/- only. Subsequently, an Inquiry Committee was constituted to observe the irregularities for withdrawal of Rs. 3,50,000/- with the prior approval of the Director (Education). Further, Director (Education) ordered his transfer from SBV Timarpur and he was posted to GOC (HQ), which is also near to his residence. As regards his disbursement of salary, he has been posted in Sarvodaya Vidyalaya, Sham Nath Marg-1207107 vide order dated 22.09.2016 for pay purpose, which is also near to his residence. The final outcome of the inquiry was yet to be received.

5. During the hearing on 29.03.2017, the respondent clarified that the complainant has not so far been issued any charge-sheet and he had also not been suspended. They also stated that the post of Vice Principal in SBV Timarpur School is vacant and the question of his transfer to a school can be considered only after the decision of inquiry.

6. It is observed that though the complainant has started receiving his salary yet he is not able to discharge the duties of the post he holds as he is attached to GOC. It is also observed that the respondent had initiated action on 30.06.2016 by transferring him to GOC. He has also submitted the reply to the Show Cause Notice on 25.11.2016 and has not been communicated the decision so far causing him mental tension as has not been assigned any work and the outcome of the inquiry is not known.

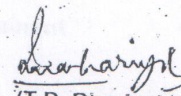
7. The complainant's contention as also mentioned in his letter dated 10.03.2017 is that the special audit in connection with the financial irregularities was conducted during 22.08.2016 to 26.08.2016 and the inquiry was also completed by the department on 26.08.2016. So, there is no technical issue for changing his present posting from SBV Timarpur. He further contends that the place he has been shifted is crowded and there are chances of accidents due to his blindness, whereas the SBV Timarpur is just behind his residence. He alleges that his opponents have falsely fabricated the charges. He, therefore, requests that he should be posted to SBV Timarpur as soon as possible.

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8. In the facts and circumstances of the case, it would be in the fitness of things to post the complainant preferably to a school close to his residence including SBV, Timarpur as per the policy and assign him the work of the post he is holding. The inquiry may also be finalised within the prescribed time limit. Action taken report be submitted to this Court by 18.04.2017.

The matter is disposed of accordingly.

Given under my hand and the seal of the Court this 5th day of April, 2017.


(T.D. Dhariyat) 54-17
Commissioner for Persons with Disabilities