

In the Court of Commissioner for Persons with Disabilities
25- D, Mata Sundari Road, Near Guru Nanak Eye Centre, New Delhi-2
Phone-23216002-04, Telefax: 23216005
[Vested with power of Civil Court under the Persons with Disability (Equal Opportunity, Protection of Rights and Full Participation) Act, 1995]

Case No. 4/827/2014-Wel./CD/ 944-46

Dated: 21.7.15

In the matter of :

Sh.Brijpal Singh
Vice Principal
Sarvodaya Vidyalaya
INA Colony
New Delhi.

..... Petitioner

Versus

Sh.Jalaj Srivastava
Chairperson
New Delhi Municipal Council
Palika Kendra, Parliament Street
New Delhi-110001

Sh.Chetan B Sanghi
Secretary
Public Works Department
5th Level, B Wing, Delhi Secretariat
New Delhi-110002

..... Respondents

ORDER

1. The petitioner a visually impaired person working as Vice Principal in Sarvodaya Vidyalaya INA Colony, Delhi represented that he was earlier an employee of New Delhi Municipal Council and after resigning from New Delhi Municipal Council he joined Education Department of Government of NCT of Delhi. While shifting to Government of NCT of Delhi the accommodation allotted by New Delhi Municipal Council during his previous assignment was allowed to be retained on exchange basis.
2. The petitioner informed that he met the Chairman New Delhi Municipal Council who refused to allot him a quarter on the ground floor and also challenged the Office Memorandum issued by the Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pensions. The Government of NCT of Delhi allotted a

Type-IV quarter to New Delhi Municipal Council under the mutual exchange scheme and therefore New Delhi Municipal Council was under an obligation to allot Type-IV quarter to the petitioner on the ground floor.

3. The Chairman New Delhi Municipal Council was requested to send comments on the representation filed by the petitioner and since there was no response even after reminding the Chairman on a few occasions, a hearing was fixed. During the course of the hearing the Secretary of the Council filed a detailed reply signed by the Chairperson New Delhi Municipal Council stating that **Quote** “Sh.B.P.Singh is an employee of GNCT Delhi and the onus of providing an official accommodation to him based on his entitlement rests squarely with GNCT Delhi. Further the NDMC is facing an acute shortage of Type-III and Type-IV accommodation in its area to cater to the genuine requirement of its own officers and employees. Besides there is hardly any ground flat available for large pendency of allotment amongst NDMC employees. It is therefore requested that the petition of Sh.Brijpal Vice Principal before your Hon’ble Court may be quashed being devoid of merits and he may be directed to approach GNCT Delhi for any relief.” **Unquote.** The officers of the New Delhi Municipal Council and the Public Works Department of Government of NCT of Delhi were however directed to look into the matter in the light of the instructions and arrangements made by the Government for mutual exchange of quarters.
4. After careful consideration of the facts of the case and the instructions issued by the Government of India and the arrangement made by Government of NCT of Delhi for mutual exchange of quarters in various organizations the case of the petitioner is required to be considered favourably. The petitioner is entitled to type-IV quarter but the New Delhi Municipal Council allotted him Type-III quarter that too on the second floor which is in contravention of the guidelines contained in Office Memorandum no.36035/3/2013-Estt.(Res) dated 31.3.14 of the Ministry of Personnel, Public Grievances and Pensions Department of Personnel and Training Government of India which stipulate that the disabled government employees may be allotted accommodation on the ground floor. The arrangement to allot quarters to an employee who may not be on the strength of an organization has an objective as in a place like Delhi it will not be advisable to make the officers/officials shift accommodation on their transfer from one organization to the other for which purpose a quarter of the equivalent category is spared for the employees of the

concerned organization. It is a matter of satisfaction that a quarter of the requisite category as requested by the petitioner was allotted to the petitioner by the Chairman New Delhi Municipal Council in the true spirit of the instructions and guidelines issued by the Government of India etc. There is no need therefore to pursue the matter further.

5. The case is disposed of accordingly.



Given under my hand and the seal of the Court this 21st day of July, 2015.

K.S. Mehra
21/7/15

(K.S. Mehra)

Commissioner

Court of Commissioner (Disabilities)
National Capital Territory of Delhi
Room No. - 1
25-D, Mata Sundari road, New Delhi-02