

**In the Court of Commissioner for Persons with Disabilities**  
**25- D, Mata Sundari Road, Near Guru Nanak Eye Centre, New Delhi-2**  
**Phone-23216002-4 Telefax: 23216005**  
**Website: [www.discomm.delhi.gov.in](http://www.discomm.delhi.gov.in) : Email : [comdis.delhi@nic.in](mailto:comdis.delhi@nic.in)**  
**[Vested with power of Civil Court under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995]**

Case No. 4/671/2014-Wel./CD/ 1912-13

Dated: 16.10.15

In the matter of :

**Sh.Harbhajan Singh**  
D-110, Punjabi Basti  
Baljit Nagar New Delhi-8

..... Petitioner

Versus

**Sh.C.R.Garg**  
**Managing Director**  
Delhi Transport Corporation  
DTC Headquarter  
I.P.Estate, New Delhi-2.

.....Respondent

**ORDER**

1. A representation was filed by Sh.Harbhajan Singh a disabled person that he worked as Driver in Delhi Transport Corporation and after he met with an accident with a truck on 13.4.1996 near Sitapur Uttar Pradesh while on duty from Delhi to Lucknow he got his leg fractured. Thereafter his salary was stopped illegally by Delhi Transport Corporation. The Hon'ble High Court of Delhi whom he had approached passed the orders that where the service of the petitioners are not yet terminated respondents are directed not to terminate services and absorb them against alternate equivalent posts after adjudging their suitability. They are also held to be entitled to full salary from the date when they sustained injury but denied pay and allowances by the respondent. The petitioner was allowed to continue on the duty. After the High Court passed the order the petitioner worked as Vehicle Examiner. The petitioner claim that he is entitled to get the duty up to the age of 60 years as many drivers with similar facts were given alternate duty and some of them are also doing duty at present up to the age of 60 years. The petitioner further stated that he was performing duty for about 20 years continuously daily but was not paid overtime for the same. Even as in other similar cases of disabled persons, they are

allowed to work upto the age of 60years. The petitioner prayed that the amount of accidental insurance deducted from his salary regularly should be paid to him at the earliest and he should be paid revised salary/pension from 2006 alongwith revised gratuity and bonus. His kith and kin should also be selected for employment and compensation paid to him for keeping him unemployed for five years in illegal and unjustified manner.

2. After receipt of the representation the Chairman of the Delhi Transport Corporation was requested to file comments. In the comments received from Manager Personnel Delhi Transport Corporation it has been stated that petitioner is not eligible for any alternate post and therefore he was allowed to continue as driver and was given alternate duty taking into consideration his physical condition. On attaining the age of superannuation i.e of 55 years which is the age earmarked for the post of driver the petitioner was directed to appear for the medical examination for the post of driver and he was declared medically unfit for the post of driver by the Delhi Transport Corporation Medical Board vide its report bearing no.4297/11 dated 22.12.2005 and therefore he retired from the services of Corporation w.e.f 31.12.2005 in accordance with Clause 10 of the DRTA (Conditions of Appointment and Service ) Regulations 1952 vide DM, SPD's memo dated 29.12.2005 as per rules of the Corporation. It is further stated that **Quote** "As regards the case of Sh.Inder Dass Ex-driver B.No.16775 as cited by the complainant Ex-driver (Sh.Harbhajan Singh) before the Hon'ble Commissioner (Disabilities) it is informed that Sh.Inder Dass Ex-Driver B.No.16775 was prematurely retired from the services of this Corporation on medical grounds w.e.f 6.12.1996 under Clause 10 of the DRTA (Conditions of Appointment and Service) filed a writ petition before the Hon'ble High Court of Delhi against the order of his pre-mature retirement. The Hon'ble High Court of Delhi in its judgment dated 31.7.1998 passed orders to give him suitable employment in the same pay scale which he was getting as driver. Accordingly in order to comply with the said orders of the Hon'ble High Court of Delhi Sh.Inder Dass Ex-Driver B.No.16775 was re-inducted as a Vehicle Examiner with the approval of the then CMD Delhi Transport Corporation vide PLDs memo No.PLD-III/(Driver)/VE/98/3640 dated 23.10.1998 inter alia on the following terms and conditions : 1. He will get the same basic pay in the pay scale of driver which he was getting prior to his pre-mature retirement. He will not be entitled for any wages of the period he did not work on the principle no work no wages. He will however get the benefit of continuity of service. He will not get the extra allowance of Rs.25/- per month which is paid to other Vehicle



Examiner as allowance for performing the duties of Vehicle Examiner. 3. He will perform the duties relating to Inspection and examination of vehicle being taken out of the depot and vehicles in shedding in the depot. Regarding the claim of Sh.Harbhajan Singh Ex-driver for re-imbursement of medical expenses it is informed that as per record a sum of Rs.27184/- was paid to him on this account. It is pertinent to mention here that the complainant Sh.Harbhajan Singh Ex-Driver had also filed a similar complaint before the Hon'ble Public Grievance Commission. The instant complaint case was fixed for hearing before the Hon'ble Member of PGC on 22.7.2014. A detailed Action Taken Report was also filed. After hearing both the parties the Hon'ble Member PGC was pleased to close the case. In view of the above it may be perused that the complainant Ex-Driver Sh.Harbhajan Singh was retired w.e.f 31.12.2005 on attaining the age of superannuation i.e 55 years according to the existing rules and sregulations of the Corporation. Since Sh.Inder Dass Ex-Driver B.No.16775 of BBM-I whose case has been cited by the complainant was re-inducted to the post of Vehicle Examiner in pursuance to the above directions of the Hon'ble High Court of Delhi the case of Complainant Sh.Harbhajan Singh Ex-Driver of SPD cannot be equated with that. As such the request of the complainant Sh.Harbhajan Singh Ex-Driver seeking similar benefit at par with the case of Sh.Inder Dass cannot be considered taking into consideration the factual position as explained above." **Unquote.**

3. Since the petitioner was not satisfied with the reply of the Delhi Transport Corporation a number of hearings were held to allow the petitioner to adduce evidence/proof to buttress his claims.
4. I have gone through the documents of the case very carefully and I am of the considered opinion that it is not possible to support the case of the petitioner in the facts and the circumstances of the case which is accordingly closed.



Given under my hand and the seal of the Court this 16<sup>th</sup> day of October, 2015.

*K.S. Mehra*  
16/10/15

**(K.S. Mehra)**  
**Commissioner**

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