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**In the Court of State 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  
Rights of Persons with Disabilities Act, 2016]**

**Case No. 4/1753/2017-Wel/CD/ 6209-6211**

**Dated: 19/03/18**

**In the matter of:**

Sh. Narayan Sharma,  
S/o Sh. Bhoop Raj Sharma  
H.No. 80, Block A, New Seema Puri,  
Delhi-110095.

..... Complainant

**Versus**

The Medical Superintendent,  
Aruna Assaf Ali Govt. Hospital,  
50-Rajpur Road,  
Delhi-110054.

.....Respondent No.1

The Secretary,  
Services Department,  
Govt. of NCT of Delhi,  
Delhi Secretariat,  
New Delhi.

.....Respondent No.2

**Date of Hearing : 13.03.2018**

**Present: Sh. Narayan Sharma, Complainant  
Dr. V.P. Khari, DMS on behalf of Respondent No.1, Sh. Nirmal  
Sharma, ASO & Sh. Ajay Kumar, JA on behalf of Respondent  
No. 2.**

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

## ORDER

The above named complainant, a person with 57% of locomotor disability vide his complaint dated 16.08.2017 received from the Office of the Chief Commissioner for Persons with Disabilities vide letter dated 19.09.2017 submitted that he was selected for the post of Gr.IV DASS,LDC. He received a telephonic call from the office of respondent no. 1, for joining the post immediately. However, he did not receive any offer of appointment till 03.04.2017. He further submitted that he informed them that he was working in the Office of Addl.Director(CGHS), East Zone, Laxmi Nagar, and needed to tender technical resignation and requested to send him the offer of appointment. He again wrote a letter dated 10.03.2017 to the Office of MS, Aruna Asaf Ali Govt. Hospital (AAAGH) with a copy to Services Department. Thereafter he personally collected a copy of offer of appointment dated 27.06.2016 which, among other things, mentioned that in case no reply was received within three weeks from the date of issue of offer of appointment, the said offer of appointment would lapse automatically and no further communication from the candidate would be entertained in future.

2. Vide Memorandum-II dated 03.04.2017, Office of respondent No. 1 informed the complainant that a final opportunity was being given to him to join within a week of receiving that Memorandum otherwise offer of appointment would stand cancelled and his dossier would be returned to the Services Department. The complainant had also submitted his technical resignation and informed the respondent. Although his technical resignation had been accepted in his parent Department, respondent No. 1 informed him vide letter dated 26.05.2017 that his dossier had been sent back to Services Department on 21.04.2016 on the ground that he had not joined. The complainant also alleged that he was not entertained properly when he approached the Services Department.

3. During the hearing on 07.02.2018, it was observed that the Office had taken up the complaint vide notice dated 27.10.2017 with the DSSSB who had no role to play. Therefore, the Chairman, DSSSB was removed from the list of respondents and Medical Superintendent, AAA Govt. Hospital and Services Department were impleaded as respondent

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no. 1 & 2 respectively. Vide RoP dated 08.02.2018, they were directed to submit as to why the complainant should not be allowed to join the Office of the respondent No. 1 in the post of Grade-IV DASS LDC and the matter was listed for hearing on 13.03.2018.

4. On 13.03.2018, the complainant reiterated that he collected the offer of appointment by hand from the Office of the respondent no. 1 as he did not receive it by post. He immediately, vide his application dated 27.06.2016, requested respondent no. 1 to grant him extension of three months to join as he needed to resign from C.G.H.S, where he is working as LDC. He has not received any response till date.

5. The representative of respondent no.1 submitted that the offer of appointment in respect of the complainant was cancelled as he did not join. Offer of Appointment was sent by speed post to the complainant on 27.06.2016 alongwith nine more candidates, the proof of which is available in the office files. The representation of the complainant has been referred to the Services Department through Principal Secretary (Health) for advice and for further directions. As soon as the advice is received, the directions will be executed.

6. The representative of respondent no. 2 submitted that the Services Department has received a proposal from respondent no. 1 for advice on whether the complainant can be allowed to join whether his dossier can be revived. The Services Department will give its opinion within 7 to 10 days. He also submitted that as per Delhi Administration Subordinate Service Rules, 1967 for Grade IV DASS employees, Head of the Department concerned is the appointing authority and therefore, MS, AAA Govt. Hospital is the competent authority to take a decision in the matter. The relevant rules do not prohibit extension of time to join a post.


7. In the facts and circumstances of this case, it is recommended that respondent No. 2 should render the advice in the matter by 23.03.2018 to respondent no. 1 who shall consider the same and take a decision by 28.03.2018. The offer of appointment may be sent to the complainant by email in addition to other means to ensure that it reaches him in time. The complainant should join the post within a month thereafter.

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8. Respondent No.1 & 2 and the complainant shall inform this Court about the action taken by them by email immediately after they take their actions mentioned above. The matter is disposed off accordingly.

9. Given under my hand and the seal of the Court this 19<sup>th</sup> day of March, 2018.



  
(T.D. Dhariyal) 19.3.18

**State Commissioner for Persons with Disabilities**

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