

**In the Court of State Commissioner for Persons with Disabilities
National Capital Territory of Delhi**

25-D, Mata Sundri Road, Near Guru Nanak Eye Centre, New Delhi-110002

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[Vested with powers of Civil Court under the
Rights of Persons with Disabilities Act, 2016]

Case No.2386/1014/2021/10/3750-51

Dated:19/01/22

In the matter of:

Ms. Sanju Prasad,
H.No. K-277, SouravVihar, Jaitpur,
Badarpur, Near Vatika Public School,
New Delhi-110044.....**Complainant**

Versus

The Director
Department of Women and Child Development,
Government of NCT of Delhi,
MaharanaPratap ISBT Complex,
Kashmere Gate, Delhi-110006.....**Respondent**

Date of Hearing: 18.01.2022

Present: Ms. Sanju Prasad, Complainant

Ms. Anita Gaur, Sr. Supdt. and Ms. MagdaliviPute, CDPO
on behalf of Respondent

ORDER

Ms.Sanju Prasad, a person with 50% locomotor disabilityvide her complaint dated 05.10.2021under the Rights of Persons with Disabilities Act, 2016 hereinafter referred to as the Act,alleged that she had been wrongly terminated from the service of AganwadiWorker, harassed by C.D.P.O ¬ paid the salary from February, 2021.

2. The matter was taken up with the respondent vide letter dated 07.10.2021 & followed by reminder dated 27.10.2021. The respondent

vide reply dated 08.11.2021 informed that the termination order dated 22.06.2021 was issued to the complainant on the basis of the following facts:-

- (i) Ms. Sanju Prasad, Ex. AWW after receiving nutrition (THR) for AWC No. 17, ICDS Jaitpur project locked up the centre, but remained absent on the day of distribution of THR i.e. 18.02.2021 resulting in non-distribution of THR amongst of the ICDS beneficiaries as per schedule.*
- (ii) Ms. Sanju Prasad, Ex. AWW was found indulging in objectionable behaviour using insulting & derogatory language towards her colleagues & seniors amounting to insubordination & disobedience.*
- (iii) Taking a sympathetic view of her disability, Ms. Sanju Prasad, AWW was warned to mend her behaviour & improve her conduct thereby ensuring smooth & timely delivery of ICDS services in the greater interest of target beneficiaries under the ICDS Scheme. The transfer order for Ms. Sanju Prasad from ICDS Badarpur was also issued, giving her an opportunity to mend her behaviour.*
- (iv) Ms. Sanju Prasad Ex. AWW denied to receive the transfer order and misbehaved with CDPO Jaitpur. It is therefore, evident that Ms. Sanju Prasad was not found suitable to continue as an Anganwadi Worker as she was found involved in dereliction of duty and misbehaviour with colleagues as well as seniors.*
- (v) Therefore, as per the decision taken by the Competent Authority, the services of Ms. Sanju Prasad AWW of ICDS Jaitpur Project were terminated, in the greater interest of ICDS Scheme.*

3. It was also informed by the CDPO, Jaitpur that the due honorarium in respect of Ms. Sanju Prasad, Ex. AWW had been paid as per norms by the Department. Hence, there is no pending payment in respect of the complainant and in case the complainant has any document in support that she had been denied payment despite being on work, she can always show the same to the Department which can be settled.

4. The complainant vide rejoinder dated 30.11.2021 clarified the points submitted by the respondent. Respondent vide e-mail dated 28.12.2021 submitted that the department had already conveyed its decision. A hearing was scheduled on 18.01.2022.

5. During the hearing, the complainant reiterated her submissions and submitted that she received the THR on 18.02.2021 and could distribute it to some households as she was not well and her helper was absent w.e.f. 17.02.2021 to 26.02.2021 without any information. CDPO broke the lock of the centre on 25.02.2021 and after that she was not allowed to enter the centre. She further submitted that she had not received the salary after February, 2021 and she had never misbehaved with her seniors and colleagues. Her husband had also lost his job due to Covid-19 and requested to restore her service.

6. The representatives of the respondent also reiterated their submissions and submitted that the complainant uses insulting and derogatory language towards her colleagues and seniors amounting to insubordination and disobedience. Regarding payment of salary, it was informed that she attended the office till February, 2021 for which the salary had been paid. It was also informed that the complainant had not returned the office property under her possession i.e. Smart Mobile Phone, Sim Card, SD Card, Office Registers, Toys and other related records. All these facts were also brought to the notice of Joint Secretary, M/o Women & Child Development, Govt. of India vide their letter dated 11.11.2021.

7. After due deliberation and discussion, it was noted by the Court that the complainant apart from being a person with disability is also passing through a mental trauma due to which she is finding it difficult to shoulder the responsibilities entrusted with her service. Taking an empathetic view in the

matter and the financial & mental condition of the complainant, it is recommended that:-

- (i) The respondent may consider the continuation of service in the department to the complainant with lesser responsibility so that she can perform her duty efficiently taking into account her physical and mental condition and also she can earn her livelihood with dignity.
- (ii) The complaint is advised to improve her behaviour and is directed to hand over the office property under her possession to the department immediately.

8. This court be informed of the action taken on the above recommendations within 3 months from the date of receipt of this order as required under section 81 of the Act.

9. The complaint is disposed of with the above recommendations.

10. Given under my hand and the seal of the Court this 18th day of January, 2022.

(Ranjan Mukherjee)
State Commissioner for Persons with Disabilities