

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. 4/1746/2017-Wel/CD/3130-31
Case No. 15/1014/2017/10

Dated:27/11/2017

In the matter of:

Dr. Nitesh Tripathi
H.No. B-241, Sant Nagar, Burari,
Delhi-110084.

By email: niteshtripathi85@gmail.com
.....Complainant

The Commissioner,
North Delhi Municipal Corpn.
4th Floor, Dr. S.P.M. Civic Centre,
New Delhi-110002.

.....Respondent

Date of Hearing : 15.11.2017 and 23.11.2017
Present : Complainant – Not present
None for respondent.

ORDER

The above named complainant, a person with 65% locomotor disability vide his complaint received through email dated 21.09.2017 submitted that he is working as GDMO in North Delhi Municipal Corporation (NDMC) and his salary for the month of July and August, 2017 has not been released. He faced this kind of situation earlier also and the then Commissioner for Persons with Disabilities had to intervene to release his salary at that time. The complainant requested to pass an order for immediate release of his salary and adopt proper measures for prevention of such drastic conditions in future.

2. The complaint (4/1746/2017-Wel/CD) was taken up with the respondent vide Notice dated 12.10.2017 followed by a reminder dated 10.11.2017 and a hearing on 15.11.2017. As per the request of complainant he was allowed to make his submissions on telephone. During the hearing on 15.11.2017, Dr. I. Ghanshyam, CMO (M&TB)(HQ), North DMC, the

representative of the respondent submitted that the complainant's engagement as Medical Officer on contract basis expired on 30.06.2017. As his contract has not been extended, the payment could not be released. He further stated that he did not receive the Show Cause Notice dated 12.10.2017. The Notice of hearing dated 10.11.2017 reached him only in the morning of 15.11.2017. Therefore, written submission could not be filed. He further informed that Accounts Officer (Health) has processed his file for renewal of contract and once his contract is renewed, his salary will also be released by the concerned DDO.

3. Vide record of proceedings dated 15.11.2017, the respondent was directed to release the salary of the complainant for the month of July and August by 22.11.2017, if the complainant had worked during the said period. Vide letter dated 22.11.2017, Dr. Kamal Sarin, RMS, Dr. Sahib Singh Verma Polyclinic, Jharoda, Burari informed that the salary bills could be signed by Dr. N.K. Tripathi only on 22.11.2017 when he joined. His salary will be credited to his accounts within two days.

5. The complainant vide his email dated 23.11.2017 confirmed that his salary for the month of July and August had been credited to his account late evening on 22.11.2017. He further submitted that other GDMO has got the salary for the month of September 2017 as well and therefore such discrimination should be avoided. He has also pointed out unavailability of a Grievance Redressal Officer / Liaison Officer to address his genuine issues besides creating awareness about the provisions of the Rights of Persons with Disabilities Act, 2016 so that such unpleasant experiences sometimes unknowingly could be avoided. He also mentioned about his request to make Dr. S.S.V. Poly Clinic Burari disabled friendly. The complainant also informed that his contract of appointment has been extended beyond June, 2017 for one year and therefore his salary for the month of September should also have been released alongwith the salary of July and August, 2017.

6. The instant complaint relates to release of salary for the month of July and August, 2017, which has been released, however, if his contract of appointment has been extended and he has worked as per the contract, his salary beyond August, 2017 be also released without any further delay on equal basis with others.

7. The complainant vide his email dated 28.10.2017 had also submitted that his contract renewal letter had not been released while the contract renewal letters in respect of other non-disabled doctors had been released. He had been directed not to mark his attendance from 27th October, 2017, although he had submitted his application on 16.05.2017 to his Incharge, which amounted to harassment on the ground of his disability. The said complaint was registered as Case No. 15/1014/2017/10 and was taken up with the

respondent vide notice dated 30.10.2017. In view of the fact that the Complainant's contract of appointment has been extended, the complaint has become infructuous.

8. As regards the arrangement of a Grievance Redressal Officer, the respondent is advised to take steps to appoint such officer in accordance with Rule 10 of the Rights of Persons with Disabilities Rules, 2017 which is reproduced below:

"10. Manner of maintenance of register of complaints by the Government establishments-
(1) Every Government establishment shall appoint an officer not below the rank of a Gazetted Officer as Grievance Redressal Officer:

Provided that where it is not possible to appoint any Gazetted Officer, the Government establishment may appoint the senior most Officer as a Grievance Redressal Officer. (2) The Grievance Redressal Officer shall maintain a register of complaints of persons with disabilities with the following particulars, namely:- (a) date of complaint; (b) name of complainant; (c) name of the person who is enquiring the complaint; (d) place of incident; (e) the name of establishment or person against whom the complaint is made; (f) gist of the complaint; (g) documentary evidence, if any; (h) date of disposal by the Grievance Redressal Officer; (i) details of disposal of the appeal by the district level committee; and (j) any other information. "

9. With regard to his request for making Dr. S.S.V. Poly Clinic Burari accessible, appropriate directions have already been issued to the respondents along with other concerned agencies for making built environment accessible in their respective geographical jurisdiction vide Record of Proceedings dated 17.11.2017 in a Suo-Motu Case No. 4/1665/2017-Wel/CD.

10. As the salary for the month of July and August, 2017 in respect of the complainant has been released and his contract appointment beyond June, 2017 has been extended, both the complaints (Case No. 4/1746/2017-Wel/CD and Case No. 15/1014/2017/10) are closed and disposed of accordingly.

Given under my hand and the seal of the Court this 27th day of November, 2017.

(T.D. Dhariyal)
State Commissioner for Persons with Disabilities

