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

Case No. 1011/1014/2019/07/ 4884 - 4887

Dated: 23/8/19.

In the matter of:

Sh. Shakti Nath Singh,
H.No. 577, 3rd Floor, J Block, Jahangirpuri,
North West, Delhi-110033.

.....Complainant

Versus

The Managing Director,
Delhi Transport Corporation,
DTC Headquarters,
I.P. Estate, New Delhi-110002.

.....Respondent No. 1

The Director,
Directorate of Employment,
C-Block, 5 Sham Nath Marg,
Delhi-110054.

.....Respondent No. 2

District Employment Exchange Officer (East)
District Employment Exchange,
Institutional Area, Viswas Nagar,
Shahdara, Delhi-110096.

.....Respondent No. 3

Date of hearing: 22.08.2019

Present

Sh. Shakti Nath Singh, Complainant.

Sh. K.C. Gupta, Dy. CCM on behalf of respondent
No. 1, Sh. K.K. Bhati, Smt. Surinder Kaur, DEO and
Sh. Hom Karan, SREO(R-3) on behalf of the
Respondent No. 2 & 3.

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ORDER

The above named complainant, a person with 52% locomotor disability vide his complaint dated 02.07.2019 submitted that he was selected for the post of Conductor in Delhi Transport Corporation (DTC). His file number was 217/G.Ph and Employment Registration number is 2011188101. He was called for document verification on 03.11.2018 but after sometime he was informed that his name did not show in the list of candidates with disabilities. He was advised to contact to Employment Exchange. He found that name of another person namely Sh. Punit Kumar was mentioned against his Employment Registration No. 2011188101. He was informed that he would be considered after his name was received from the Employment Office. The Employment Office informed him that they were unable to send the list again due to network problem and thus his employment in DTC has adversely been affected. He requested to resolve the matter.

2. The complaint was taken up with the respondent vide Show-Cause-Cum-Hearing Notice dated 12.07.2019 directing the respondents to show cause why the name of the complainant did not figure against his Employment Registration No. 2011188101 and submit an action taken report by 30.07.2019 and to appear for hearing on 22.08.2019.

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3. Respondent No. 1 vide reply dated 25.07.2019 submitted as under:

"Sub: Notice to Show cause-cum-Hearing on the complaint of Sh. Shakti Nath Singh, under Persons with Disability for the post of Conductor in DTC-Grievance hearing on 22.8.2019 at 11.30 hours in his office.

Sir,

Kindly refer to your office letter No.1011/1014/2019/07/3484 dated 12.07.2019 along with complaint of Shri Shakti Nath Singh for the post of conductor in DTC and asked for Action Taken Report on the complaint.

In this context, it is informed that Delhi Transport Corporation has given requisition of vacancies for the post of Conductor on short term contract in 2010 and 2017 through on line process to the Directorate of Employment. The Directorate of Employment, GNCTD provided the lists of candidates with registration ID number for the post of Conductor on short term contract through on line process. The work of registration/category/allotment of registration ID number with details of candidate is exclusive the subject matter of Employment Exchange/Directorate of Employment and the Corporation is considering the candidates sponsored by the Directorate of Employment in order of registration ID Numbers under said category for the post of Conductor on short term contract. As per Govt. instructions, there is no reservation in contractual engagement.

In the cases of Shri Shakti Nath Singh, Regd. ID No.201188101 appeared for screening of documents on 5.11.18 and the Screening Committee could not find him eligible for the post of conductor on short term contract, because he did not possess valid conductor's licence issued by the State Transport Authority, Delhi which is essential for engagement of a candidate for the post of Conductor in DTC, as per prescribed guidelines laid down. It is also not out of place to mention here that the complainant did not turn up- with valid conductor's licence issued by STA, Delhi after 5.11.2018 in this office so far. Photo-copies of the papers submitted by the complainant before the Screening Committee are sent herewith for kind perusal. Photo copy of the

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advertisement given in the leading newspaper is also annexed for ready reference. Besides on the directions of two cases by State Commissioner(PwD), a requisition for sponsoring list of exclusively PwDs candidates was placed upon the Directorate of Employment, GNCTD, but they have shown inability to provide the same even on a mail (photo copies enclosed).

From the above, it appeared that there is no lapse on the part of this Corporation as Shri Shakti Nath Singh was not in possession of conductor's valid licence issued by the Transport Authority, Delhi.

Yours faithfully,

(Manish)
Manager(Pers.)"

4. Sh. K.C. Gupta, Dy. CCM, DTC also stated that a call letter dated 16.08.2019 has already been issued to the complainant by Speed Post for appearing before the Screening Committee for preliminary scrutiny of documents on 16.09.2019.

5. Respondent No. 2 & 3 vide reply dated 09.08.2019, a copy of which was submitted during the hearing, have stated that the name of the complainant was sponsored against the vacancy ID 2017001090 for the post of DTC bus conductor to the DTC as per the following details:

Name & Registration No.	S.No. in list sent against vacancy ID 2017001090 on 7.12.2017	S.No. in list sent against vacancy ID 2017001090 on 22.10.2018
Sh. Shakti Nath Singh (2011188101)	S.No. 21174 in GEN Category (Annexure-A)	S.No.22362 in GEN Category (Annexure-C)
	S.No. 85 in PH Category (Annexure-B)	S.No. 107 in PH Category (/Annexure-D)

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6. It has further been stated that the Directorate of Employment has registered applicants by sponsoring the names to the requisitioning employers as per their eligibility. The Department does not play any role in recruitment / call letter / interview process of the employers. As per the enclosed sponsorship details, it is seen that the name of the complainant (Employment Registration No. 2011188101) appears at Sl.No. 107 under PH category and at Sl.No. 22362 under General Category sent to DTC on 22.10.2018. His name was also sponsored on 07.12.2017 for the post of Bus Conductor.

7. The reasons for appearing Sh. Punit Kumar's name against the Employment Registration No. of the complainant (2011188101) remain unexplained. However, according to the representatives of respondent No. 2 & 3, it seems to have happened due to some system / human error. However, the issue of network problem or operation of the website / system must be resolved soon as the rights of two other persons with disabilities referred in the reply of respondent No.1 are being affected adversely.

8. The complainant submitted that he has obtained conductor's licence No. DL82018CL00238 dated 30.11.2018.

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9. As the complainant is likely to be considered for the post of Conductor on contract basis soon, the complaint is disposed of with the direction to respondent No. 1 to submit the outcome of the preliminary scrutiny of documents by the Screening Committee scheduled for 16.09.2019 within three months of receipt of this order as required under Section 81 of the Act.

10. Given under my hand and the seal of the Court this 23th day of August, 2019.



(Signature)
(T.D. Dhariyal) 23/8/19

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