

**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. 55/1014/2017/12/7570-71

Dated: 31.05.2018

In the matter of:

Ms. Sanyogeeta,
H.No. 501, Nangal thakran,
Delhi – 110 039

.....Complainant

Versus

The Pr. Secretary,
Department of Health & Family Welfare,
9th Level, Delhi Secretariat,
New Delhi – 110 002.

.....Respondent

Present: : Complainant on telephone

Sh. Neeraj Acharya,
Dealing Asstt. on behalf of respondent

Date of hearing: 30.05.2018

ORDER

The above named complainant, a person with more than 90% locomotor disability vide her complaint dated nil received on 05.12.2017 submitted that she applied for the post of Public Health Nurse (PHN), Post Code 39/14 under PH category under Roll No. 83000155. She was also in the merit list of DSSSB and was first rank holder. She further submitted that out of 70 candidates, 61 candidates have already joined and the remaining 9 candidates have not been given the offer of appointment whereas verification of documents has already been completed. She requested that she should be allowed to join from the

date the other candidates joined so that she gets the other connected benefits like promotion, increment etc. on equal basis with others.

2. The complaint was taken up with the Delhi Subordinate Service Selection Board (DSSSB) vide notice dated 19.12.2017 followed by reminders dated 29.01.2018 and 13.02.2018 and a hearing on 28.03.2018. During the hearing, the complainant submitted that her dossier was forwarded to the Department of Health & Family Welfare. She visited that department multiple times and also submitted a number of representations. However, neither she has received any response nor the offer of appointment.

3. Sh. Ashish Mohan, Joint Secretary and Sh. Manish Jain, Dy. Secretary, who appeared on behalf of DSSSB, submitted a report dated 26.03.2018. As per the said report, the complainant having Roll No. 83000155 has been provisionally selected for the post of Public Health Nurse under the post code 39/14. Her dossier had also been forwarded to User Department i.e. Health and Family Welfare Department, GNCT of Delhi on 24.07.2017. They have also received the acknowledgement for the same from that Department. Therefore, the DSSSB has no role to play in this matter anymore. In view of this, DSSSB was removed from the array of respondents and Principal Secretary (Health & Family Welfare), GNCT of Delhi was impleaded as respondent and was directed to submit by 30.04.2018 para-wise comments on the complaint and reasons as to why the complainant had not been allowed to join the post of Public Health Nurse, subject to the complainant completing the necessary formalities and the matter was scheduled for hearing on 10.05.2018.

4. As none appeared on behalf of the respondent, Pr. Secretary (Health & Family Welfare) was requested to look into the matter personally and have the version of the Department submitted by 21.05.2018 so that the complaint could be disposed off. The complainant deposed on telephone and requested for an early action.

5. On the next date of hearing on 30.05.2018, the representative of the Department of Health & Family Welfare submitted a letter dated 30.05.2018 as per which, the matter is subjudice before the Hon'ble CAT as an application filed by Sh. Sagar Kumar & Others is pending in the Hon'ble CAT. The next date hearing in that case is 17.07.2018. It has further been mentioned that Ms. Sanyogeeta, the complainant in this case has also filed a case before the Hon'ble CAT vide O.A. No. 4176/2016 and hence this case is also subjudice and the next date of hearing is 06.07.2018 and therefore the Department will act as per the directions of the Hon'ble CAT.

6. The complainant was informed about the contents of the letter dated 30.05.2018 of the respondent on telephone. She confirmed that she has filed O.A. No. 4176 of 2016 before the Hon'ble CAT. However, she did not mention it in the complaint, which she should have done.

7. The representative of the respondent informed that appointment of some candidates recommended by DSSSB including the complainant, have been held up as the Hon'ble CAT has directed that Sh. Sagar Kumar & Others who are contractual Public Health Nurses, shall not be removed from the service till further orders.

8. As the matter is subjudice before the Hon'ble CAT, it will not be appropriate to continue the proceedings in this court, However, the complainant as well as the respondent are advised to inform the Hon'ble CAT on the next date of hearing about the fact that the complainant has been appointed against a reserved vacancy for persons with disabilities.

9. The complaint is disposed off.

10. Given under my hand and the seal of the Court this 31st day of May, 2018.

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