

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-110002

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

Dated :01-02-23

In the matter of:

**Smt. Anita,
w/o Late Shri Raj Singh,
416/26, West Ram Nagar, Sonipat,
Haryana-131001.**

..... Complainant

Versus

**The Commissioner,
Municipal Corporation of Delhi,
Dr. S.P.M. Civic Centre,
New Delhi-110002.**

.....Respondent

**Case No. : 2639/1024/2022/06/262-263
Hearing on : 31.01.2023**

ORDER

**Present: Smt. Anita, Complainant
Shri Pradeep Chandra, AAO(HQ), MCD on behalf of respondent**

1. The complainant on behalf of her deceased husband Late Shri Raj Singh, a person with 85% locomotor disability, who was working as Pharmacist in MCD, filed a complaint dated 02.06.2022 under the Rights of Persons with Disabilities, Act, 2016, hereinafter referred to as Act. She submitted that her husband expired on 10.10.2016 and alleged that Municipal Corporation of Delhi has not released the payment of 1st ACP, 2nd MACP, difference of Gratuity, Pension difference, 10 days salary of October, 2016 as well as the 7th CPC arrears in respect of her husband inspite of requests made to MCD.

2. The matter was taken up with the Commissioner, MCD vide letter dated 09.06.2022. and 15.07.2022. The MCD vide reply dated 23.06.2022 submitted that due to trifurcation of MCD, the department faced unprecedented financial crisis and therefore the salary and other dues to the employees could not be released in time. Now after unification of MCD, they are trying to release the dues of employees on priority subject to availability of funds.

3. The respondent was again directed vide letters dated 15.07.2022 and 30.08.2022 to take up this matter on priority and release the dues in respect of Late Shri Raj Singh at the earliest. The complainant vide letter dated 11.01.2023 again submitted that she has not yet received the dues from MCD and requested to direct the concerned authorities in MCD to release the dues as she is depended on this to manage the expenses of her family. A hearing was scheduled on 31.01.2023.

4. During the hearing, the complainant reiterated her submissions and added that she is finding difficult to meet financial responsibilities of her family. Vide response dated 31.01.2023, submitted during the hearing, Deputy Controller of Accounts (HQ), MCD reiterated the same reply that due to paucity of funds they are unable to release the dues.

5. The Court observed that while commitment is being made by the respondent to clear all the dues which have piled up on account of 1st ACP, 2nd MACP, difference of Gratuity, Pension difference, 10 days salary of October, 2016 as well as the 7th CPC arrears but no time frame has been fixed. Thus it is kept open ended. It is not known when the pending dues would be cleared! The same needs to be committed in the instant case. It may be treated as a compassionate case.

6. Taking into account the submission of the complainant and the reply of the respondent, the Court directs Commissioner (MCD) to revert to this Court and commit as to when will it be possible for MCD to clear the dues. **Commissioner (MCD) to confirm by 28th February, 2023, the date by which the long pending dues of late Shri Raj Singh would be cleared.**

7. Given under my hand and the seal of the Court this 1st day of February, 2023.

(Ranjan Mukherjee)
State Commissioner for Persons with Disabilities