

**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-10002  
Phone: 011-23216003-04, Email: [comdis.delhi@delhi.gov.in](mailto:comdis.delhi@delhi.gov.in)**

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

**Case No. 3086/1024/2023/07/6031-6032**

**Dated:20-10-2023**

**In the matter of:**

Dr. Prasad T.S.V.K. (Deputy Registrar-LRC, EOO),  
Dr. B. R. Ambedkar University, GNCT of Delhi.

.....**Complainant**

**Versus**

The Vice Chancellor,  
Dr. B. R. Ambedkar University, GNCT of Delhi.

....**Respondent**

**Date of Hearing : 16.10.2023**

**Present: Dr. Prasad, T.S.V.K., Complainant**

**Mr. Noorul Haq, Dy. Registrar (HR) & Sh. Bipul Kr. Srivastav, Dy.  
Registrar (Legal) appeared on behalf of respondent.**

**ORDER**

The complainant, a person with 90% Visual Impairment and working as Deputy Registrar in Dr. B.R. Ambedkar University GNCT ((DBRAUD), vide email dated 02.07.2023 filed a complaint under the Rights of Persons with Disabilities, Act, 2016, hereinafter referred to as Act, regarding discrimination, harassment and intimidation in devious, nefarious ways. The complainant submitted the following grievances: a) discriminatory delay of two years in granting and effecting up gradation to Pay Level 13 b) discriminatory recovery from his salary c) harassment by denial of facilitation and enablement like denial of accessible accommodation and deliberate assignment of hazardous tasks, inordinate delay of processing Vision Aid Claims, denial of HTLTC claims and denial of minimum required suitable staff d) harassment by misinterpretation in respect of personal information in service / official records and retrospective disapproval of Work From Home facility during Covid period and order to apply for leave and harassment to submit original PHC/UDID card etc.

2. The matter was taken up with the Vice Chancellor, Dr. B.R. Ambedkar University, Delhi vide letter dated 12.07.2023 followed by Show Cause Notice by this Court dated 24.08.2023. Respondent vide email dated 25.08.2023 submitted point-wise reply as under:-

- a) The complainant joined the B.R. Ambedkar University as Deputy Registrar w.e.f. 30.07.2015 under direct recruitment after recommendation of Statutory Selection Committee, without grant of any additional increment in the pay. Later, the complainant was granted two non compounded additional increments, which were granted by the Internal Committee other than the Selection Committee. The grant of non compounded increments was objected by the two member committee constituted by the University for the examination of such cases. Also Audit objected to these increments. After due approval from Board of Management, necessary recoveries were initiated.
- b) Regarding upgradation to Pay Level 13, it was submitted that the matter of upgradation from Level 12 to Level 13 was under consideration alongwith the case of his recovery. Further Office order dated 06.10.22 for grant of higher pay in Level 13 was executed from the date of his eligibility i.e. 30.07.2020, though the letter was issued at later date.
- c) It was further submitted that the University, being heritage building, there were space constraints, and however, attempts were made to provide a suitable place to the complainant.
- d) The complainant had been nominated as member of a committee. The complainant refused to do the assigned work on behest of being belonging to PwD category.
- e) Regarding Vision Aid Claims, the same was placed before the standing committee on AUD MAT 2016 (Medical Attendance Rule for University Employees). Based on Standing Committee's recommendation the claim was forwarded to DGHS through Administrative Department i.e. Dte. of Higher Education. Response / clarification from DHE/DGHS is still awaited. Further it was informed that the complainant had availed LTC without issuance of sanction order.
- f) Regarding disapproval of WFH Facility during Covid period, it was informed that the University has followed Covid relating orders of Govt. as issued from time to time.

3. The complainant was not happy and vide rejoinders dated 04.09.2023 & 09.10.2023 again sought following reliefs:-

- i) Set aside / Quash the impugned Recovery Order and orders for refund of the unlawfully recovered amount by the DBRAUD to complainant immediately.
- ii) Payment of interest at the best extant FD interest rate on the arrears ensuing from the Level -13 upgradation from the date of his eligibility till the date of effecting credit to complainant's bank account.
- iii) Withdrawal of the impugned Work From Home disapproval order and direct the DBRAUD to issue WFH approval order.
- iv) Payment of pending visual aid and HTLTC claims alongwith interest.
- v) Rectify & ensure correct information of the complainant in Service and other official record of the university.
- vi) Ensuring right to equality, respect and dignity, safety & security etc. in compliance of RPwD Act 2016. ,

4. As the complainant was not satisfied and had certain issues with the respondent (University authorities), a hearing was scheduled on 16.10.2023 and both parties submitted respective facts as under:-

5. Complainant reiterated his written submissions and added that the two non compounded additional increments were earlier granted to him on his demand of pay protection and in the similar case of Sh. Mithlesh Kumar, Ex.Engineer (EMU) such pay upgradation was also granted by University. On the other hand his recovery was initiated but in case of Sh. Mithlesh Kumar no recovery was made. On this representatives of respondent clarified that in case of Sh. Mithlesh Singh the committee observed that the University advertised the post of Executive Engineer (Civil) in Grade Pay of Rs. 6600/- specifying clearly in the advertisement that if a candidate is found suitable the appointment can also made in the Grade Pay of Rs. 7600/-. As per complainant his claim of Vision aids were earlier been granted in year 2016 but the respondent is not considering his recent claim towards it. He inter-alia alleged that his DC/UDID card was repeatedly challenged by authorities in spite of the fact that he has valid certificate for his progressive disability of V.I. He also pointed out that his category was wrongly mentioned as General instead of

PwD in the official record / documents submitted to EOP Office and the same was also not reflected in reservation roster on the DBRAUD Website. He was aggrieved by the allegation leveled by respondent with regard to refusal of work assigned on the other hand he is doing more work beyond his capacity being VI.

6. Stand of the respondent was same as replied vide letter dated 25.08.2023. On the issue of wrong mention of complainant's category in his service record, it was clarified and showed the documentary evidence in favour of complainant's category mentioned as PwD (VI) in his service record.

7. After hearing the complainant and respondent and going through the written submissions made by both the parties, the case is disposed off with the following recommendations:-

- I) With regard to delay in granting and effecting upgradation to Pay Level 13 & recovery from his salary, the Court observed that such issues relating to pay parity, upgradation and recovery etc. are service matters and advised both the parties to sort out the same as per extant rules. The complainant should raise the level and meet the Grievance Redressal Officer (GRO) which now the University representatives confirmed was appointed and duly functional. The Court directed the University to be fair & just to the PwD complainant and that there should not be any sort of discrimination.
- II) With regard to claim of vision aids, Court recommended to examine the claim of complainant at par with DoP&T norms and guidelines and in case it is found justified & covered under DoP&T norms the same should be considered by respondent.
- III) Complainant claimed that in the official record / documents submitted to EOP Office of the University, his category was mentioned as 'General' instead of 'PwD (VI)' and the same was

not reflected in the reservation roster on the website of DBRAUD, on this issue Court directs the respondent to reconcile and accordingly incorporate the same in the records.

- IV) On the disapproval of Work From Home facility during Covid period and University's order to apply for leave, Court directs respondent to relook into the matter and redress the same.
- V) On the point of questioning of Disability Certificate / UDID Card by the respondent, Court directs respondent to be cautious and asked them to ensure that complainant should not be harassed and questioned repetitively with regard to his disability as he has valid DC/UDID Card duly certified by team of medical specialists and that was sacrosanct.
- VI) With regard to remaining other grievances of complainant Court directs respondent university to be more empathetic towards PwDs and settle the issues of complainant regarding discrimination, harassment, threatening etc. by negotiation with complainant and redress the same in a congenial manner. It should also be ensured that the rights of complainant being PwD are not infringed in any manner.

8. This Court be apprised with the ATR on the above recommendations within one month from the date of this order.

9. Given under my hand and the seal of the Court this 20<sup>th</sup> day of October, 2023.

**(Ranjan Mukherjee)**  
**State Commissioner for Persons with Disabilities**