

**In the Court of the State Commissioner for Persons with Disabilities
National Capital Territory of Delhi
25- D, Mata Sundri Road, Near Guru Nanak Eye Centre, New Delhi-2
Phone-011-23216002-04, Email: comdis.delhi@nic.in
[Vested with powers of Civil Court under the
Rights of Persons with Disabilities Act, 2016]**

Case No. 2569/1024/2022/04/5412-5413

Dated:25-05-22

In the matter of:

Sh. Durgesh Mishra,
Flat No.42, Krishna Apartment,
Block BH(East), Shalimar Bagh,
New Delhi-110088.

.....Complainant

Versus

The Director,
Directorate of Education,
Old Secretariat, Delhi-110054.

.....Respondent

ORDER

The complainant, a person with 70% locomotor disability and a TGT (English) in a school under Dte. of Education vide complaint received from the Office of Chief Commissioner of PwDs on 13.04.2022 (e-mail), under the Rights of Persons with Disabilities Act, 2016, hereinafter referred to as the Act, alleged that he was not being paid the Transport Allowance (TA) at the double the normal rate as per Govt. of India Rules since his joining Dte. of Education and thus deprived of the right as a person with disability. CCPD also forwarded the same complaint vide e-mail dated 18.04.2022 which was received by their department from an NGO Toshiyas, Bihar.

2. The matter was taken up with the respondent vide letter dated 19.04.2022 followed by reminder dated 04.05.2022. Head of the GBSS School, Shalamar Village on behalf of DOE vide letter dated 12.05.2022 replied that the complainant joined DOE on 27.08.2020 as TGT (English) under "General Category" through DSSSB. On 26.12.2020,

complainant applied to change his category from General to P.H. for which the file was forwarded before the Director of Education for change of category with the recommendation to consider the request of the complainant. As per the rectification in the MIS online system of DOE, the category "PH/Ortho" was accepted by the department on 14.09.2021 and accordingly the benefit of double TA was released to the complainant w.e.f. 01.09.2021.

3. The reply sent by the HOS, GBSS School, Shalamar Village was sent to the complainant vide this office letter dated 17.05.2022. The complainant was not satisfied with the said reply. The HOS was contacted on telephone and the issue was discussed at length and it was stressed that there is no fault of the complainant if the online system of the office of respondent approved the request of the complainant at a later date.

4. After perusing the complaint, the reply submitted by the respondent and discussion with the HOS, it was observed that the complainant requested the respondent for change of category from "General" to "Ph-Ortho" on 26.12.2020 which was accepted by the respondent on 14.09.2021. In view of this, it is recommended that the complainant be provided the benefit of double the Transport Allowance with effect from the date he informed/requested for change of category to "PH-Ortho".

5. This court be informed of the action taken by the respondent within 3 months from the date of receipt of this order as required under Section 81 of RPwD Act, 2016 i.e. 26.12.2020.

6. Given under my hand and the seal of the Court this 25th day of May, 2022.

(Ranjan Mukherjee)
State Commissioner of Persons with Disabilities