

**In the Court of the 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,Email: comdis.delhi@nic.in
[Vested with powers of Civil Court under the
Rights of Persons with Disabilities Act, 2016]**

Case No.1792/1024/2020/03/3026-27

Dated:25/10/2021

In the matter of:

Mohd. Iqbal,
R/o-240, Street No. 5,
Joga Bai Extension,
Jamia Nagar, New Delhi-110025

.....Complainant

Versus

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

.....Respondent

Date of Hearing: 01.03.2021

Present: Sh.Mohd. Iqbal, Complainant
Dr.Shamshad Ali, DDE Zone-29, Sh. Rahul Dev, Legal
Assistant&Sh. TanveerAlam, Legal Assistant, Zone-
29Respondent, Dte. Of Education on behalf of the
Respondent

ORDER

The above named complainant, a person with 80db to 93.3db percent hearing impairment has filed a complaint dated 09.01.2020 received on 14.02.2020 from the court of Chief Commissioner for Persons with Disabilities under the Rights of Persons with Disabilities, Act, 2016, herein after referred to as the Act. The complainant submitted that he is working in Govt. Boys Sr. Secondary School (Director of Education), Jasola Village, Distt. South-East as a TGT. He further submitted that Directorate of Education is not giving him double Transport Allowance (TA) @ normal rate w.e.f. 01.09.2008 to onwards but they are giving to other disabled employee.

2. The matter was taken up with the respondent on 09/6/2020 for submission of their ATR/Comments followed by reminders dated 16/9/2020, 27/11/2020, no response has been received from the respondent. Therefore, hearing held on 01/3/2021, the respondent was directed to send a D.O. letter to Ministry of Finance and obtain the clarification on the OM dated 16/9/2014 & dated 07.07.2017 and on receipt of the clarification from the Ministry of Finance, the matter may be taken up further.

3. It has brought to the notice of the Court that despite direction of this court vide Record of Proceeding dated 02.03.2021, no compliance has been initiated by the Dte of Education, till date

4. It seems the Respondent is indifferent to the issue and deliberately not taking cognizance of the order of the Court, which was passed in the Court proceeding while administering the justice as per RPWD Act, 2016. It is a matter of serious concern that any public servant is acting in such casual or negligent manner and is having no regard to the orders of Court of Law.

5. Non-compliance of Court order in the course of administering of the Justice, by the Respondent, is a gross violation and is an offence and respondent may be penalised under Section 93 of the the RPWDs Act, 2016, which reproduced as under:

“Whoever, fails to produce any book, account or other documents or to furnish any statement, information or particulars which, under this Act or any order, or direction made or given there under, is duty bound to produce or furnish or to answer any question put in pursuance of the provisions of this Act or of any order, or direction made or given thereunder, shall be punishable with fine which may extend to twenty-five thousand rupees in respect of each offence, and in case of continued failure or refusal, with further fine which may extend to one thousand rupees for each day, of continued failure or refusal or refusal after the date of original order imposing punishment of fine.”

6. Accordingly, respondent is recommended to pass a speaking order if, transport allowance @ double the normal rates, subject to fulfilment of the stipulated conditions is admissible to Mohd. Iqbal as per extant rules for the period from September, 2008 to July, 2014. It may be ensured the complainant should not be denied benefit that he is entitled to under the rules and should not be subjected to any discrimination and harassment on the ground of his disability and because he has approached to this court for redressal of his grievance.

7. The Action Taken Report is to be sent to this court within 90 days from the date of receipt of this order under intimation to complainant as required under Section 81 of the Act. The matter is disposed of accordingly.

8. Given under my hand and the seal of the Court this 25th day of October 2021.

(Ranjan Mukherjee)
State Commissioner of Person with Disabilities