

**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]

Case No. 2171/1024/2021/03/1760-62

Dated:24-09-21

In the matter of:

Mr. Qamar Aleem,
Flat No. H-801, Amaatra Homes,
Plot No-GH-02C, Sector-10, Greater Noida West,
Greater Noida, Gautam Budh Nagar,
Uttar Pradesh- 201308
Email ID: gamaraleemsaifi@gmail.comComplainant

Versus

The Director,
Education Department (HQ),
North Delhi Municipal Corporation,
15th Floor, Dr. S.P.M. Civic Centre, J.L.N. Marg,
New Delhi-110002Respondent No.1

The Principal,
North Delhi Municipal Corporation School,
Jharoda Majra-II, Civil Line Zone,
W-8, New Delhi-110084Respondent No.2

D.O.H.: 23.09.2021

Present: Mr. Qamar Aleem, Complainant
Sh. Puranmal, S.I.Education/CLZ appeared on behalf of the
Respondent No.1
Sh. Parth Sarthi Gupta, Principal appeared on behalf of
Respondent No. 2.

ORDER

The above named complainant, a person with 40% locomotor disabilities filed a complaint dated 08.03.2021 under the Rights of Persons with Disabilities Act, 2016 hereinafter referred to as the Act. He inter-alia

submitted that he is presently working as Primary Teacher at North Delhi Municipal Corporation School (NDMCS), Jharoda, Majra-II, W-8 New Delhi-110084 and his transport allowance from the month of October 2020 to December 2020 was deducted by the Principal of NDMCS. He was harassed and discriminated by the school authorities. Thus, he requested for grant of his TA as deducted by North DMC from his salary for the month of October 2020 to December 2020.

2. The matter was taken up with the respondent No. 1 & 2 vide letter dated 25.03.2021 for submission of their comments. Assistant Director, Education/CLZ, North Delhi Municipal Corporation (NDMC), Education Department, Civil Lines Zone informed that Principal, NDMC School Jharoda Majra-II, Civil Line Zone, W-8, Delhi vide their letter dated 27.07.2021 informed that Mr. Qamar Aleem, Teacher did not take part survey in the month of October to November 2020 which was conducted for enhancement of admission in Municipal Schools. Despite departmental orders / directions, the complainant Sh. Qamar Aleem did not distribute the textbooks to students thereby disobeyed the order of competent authority. Apart from the above, complainant remained absent from duty during the month of December 2020. In view of the above stated facts Principal of the school had deducted the TA of Sh. Qaleem Aleem, for the month of October to December'2020.

3. Complainant vide his rejoinder dated 24.08.2021 inter-alia submitted that he is not satisfied with the reply of Education Department, NDMC/CLZ. He did work of book distribution on 5,6,9,12,13,14,17 & 21 in the month of October 2020, he attended office in November 2020 and also he did work from home in December 2020. He further stated that all other teaching staff got TA for above three months except him.

4. Sh. Parth Sarathi Gupta, Principal MCPS Jharoda Mazra-II, respondent No. 2 vide his written submission dated 06.09.2021 inter-alia submitted that the work and conduct of Sh. Qamar Aleem is not found satisfactory. On several occasions he had been involved in unauthorised activities which are inappropriate for a govt. employee. His TA was deducted on the ground that he disobeyed the orders of superiors and had not worked during the months from October to December'2020.

5. To resolve the matter and dispose the petition of the complainant, a hearing was scheduled on 09.09.2021, which was attended by complainant and representative of respondent No. 1. Complainant submitted copies of his attendance record from the month of October, 2020 to December, 2020, which had been perused and taken on record. As the same was not duly authenticated, it was desired that the HoS should see and do the same. Sh. Puranmal, S.I. Education/CLZ, appeared on behalf of respondent No. 1,

submitted that salary of the complainant was released by his office on the basis of attendance record sent by Principal, North Delhi Municipal Corporation School, Jharoda Majra-II, Civil Line Zone, New Delhi. In view of the above, Court directed respondent No. 1 to have an internal inquiry into the matter and submit an action taken report to this office by 17.09.2021 and the matter was fixed for hearing on **23.09.2021 at 11.30 AM.**

6. During the hearing on 23.09.2021, complainant, Sh. Puranmal, S.I. Education/CLZ, for respondent no. 1 and Sh. Parth Sarthi Gupta, Principal NDMC School, Jharoda Majra-II, Civil Line Zone, respondent no. 2 all were present.

7. Sh. Puranmal, S.I. Education/CLZ, representative of the respondent no. 1 confirmed that the complainant had attended the school during the month of October and November'2020 and there is no proof of his attendance in the month of December'2020. Thus, he is eligible for TA from the month of October & November'2020. He has also filed duly verified copies of attendance register, which has been taken on record.

8. In view of the above, the Court recommends as under:

- i) As per attendance register report by the S.I. Sh. Puranmal in this Court and existing norms / rules, complainant is entitled for

Transport Allowance for the month of October & November'2020, thus, respondent No. 1 & 2 are directed to release the TA to complainant for the above months.

- ii) Complainant is also directed to be careful in future to adhere the orders / directions given by his superiors i.e. the Head of School in this particular case.

9. The case is disposed of.

10. Given under my hand and the seal of the Court this 23rd day of September, 2021.

(Ranjan Mukherjee)
State Commissioner for Persons with Disabilities