

**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.1836/1024/2020/06/1233-1234

Dated:12/08/21

In the matter of:

Sh. Rajendra Prasad, TGT (Retd.),

C-731, Type-C, Delhi Administration Flats,
Timarpur, New Delhi-110054.

Mobile No. 9313059839

(E-mail ID: rajendra.prasad8191@gmail.com)

.....Complainant

Versus

The Director,

Directorate of Education,
Old Secretariat, Delhi-110054.

.....Respondent

Date of Hearing: 11.08.2021

Present:

Sh. Rajendra Prasad Complainant

Sh. Triloki Nath, Advocate alongwith Complainant

Dr. Pradip Kumar Mundra, HOS, SBV, Timarpur and

Ms. Anupama, UDC on behalf of respondent

ORDER

Sh. Rajendra Prasad, TGT(Retd.), a person with 100% visual impairment vide complaint dated 16.06.2020 under the Rights of Persons with Disabilities Act, 2016, hereinafter referred to as the Act, alleged that he has been harassed and discriminated by Dr. P.K. Mundra, HOS, Sarvodaya Bal Vidyalaya (SBV), Govt. of NCT of Delhi. He stated that his full retiral benefits have not been paid by the HOS deliberately.

2. The matter was taken up with the respondent vide letter dated 29.06.2020 and followed by various reminders. Vide reply dated 14.12.2020, respondent stated that a preliminary investigation was taken up and it was found that he was granted re-employment in July, 2020 (a point raised by complainant as discriminatory but not substantiated). Further, partial service benefits were also given to him.

The payment of remaining service benefits, if admissible as per rules, was under process at District/School level.

3. The complainant vide rejoinder dated 08.03.2021 submitted that his six month gratuity had still not been paid. Vide email dated 07.06.2021 received from DoE (IEB), submitted the following:-

a) As per authority letter issued by PAO-IX vide No. PAO-IX/PEN/59/2020/2239-40 dated 26.04.2021, additional amount of gratuity for Rs 556043/-is payable by the bank. Therefore, no bill submitted in PAO is required from school.

b) After his retirement, his service book remained under movement in connection with counting of his past service etc. and was still in Distt. North for his pay fixation on Re- employment.

c) For leave encashment of 5 days as mentioned by Sh. Rajendra Prasad, if admissible it will be paid as & when his service book is received in school.

d) Payment of group Insurance already paid along with other retirement benefits vide bill no UTGEGIS-32 dated 28.05.2020 amounting to Rs. 12196/-.

4. The complainant was not satisfied with the reply of the respondent. A hearing was scheduled on 11.08.2021. Both the parties reiterated their submissions before the Court. The complainant expressed unhappiness regarding the attitude of the HOS towards him while in school and subsequently.

5. The court took a serious view on the issue of any type of harassment and discrimination on the part of the HOS. The HOS explained that he did not ever want to be discourteous to Sh. Rajendra Prasad and always holds him with due respect but if by any chance inadvertently he has felt otherwise and taken offence of his behaviour or approach he was ready for unconditional apology for the same. Thereafter, the HOS Dr. Pradip Kumar Mundra apologised to the complainant before the Hon'ble Court and begged to be excused if he had hurt him in any way.

6. Regarding balance financial benefits, the HOS submitted that he had received the complete papers yesterday (i.e.10.08.2021) only and will settle all his dues immediately.

7. The court directed HOS to immediately settle all the financial dues of the complainant and an action taken report be submitted to this court within 15 days from the date of receipt of this order.
8. The case was disposed of with the above recommendation.
9. Given under my hand and the seal of the Court this 12th day of August, 2021.

(Ranjan Mukherjee)
State Commissioner of Person with Disabilities