

In the Court of State Commissioner for Persons with Disabilities

National Capital Territory of Delhi

25-D, Mata Sundri 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. 2140/1023/2021/03/537-38

Dated:10-09-21

In the matter of:

Sh. Rakesh Kumar Gupta,

R/o 30/LG-1, Teachers Apartment, Block-A,
Dilshad Colony, Delhi-110095.

[Email:rkg.vh2014@gmail.com]

.....**Complainant**

Versus

The Director,

Directorate of Education,
Old Secretariat,
Delhi-110054.

.....**Respondent**

Date of Hearing: 09.09.2021

Present: Sh. Rahul Dev, Legal Consultant alongwith
Sh. Praveen Kumar, HoS/Vice Principal, GBSS
School, New Seemapuri on behalf of Respondent

Order on Summary of Evidence

As per the plea of the complainant, hearing was cancelled. Only a summary of records was done. As per the evidence put up by the Department of Education & HoS/Vice Principal, GBSS School, New Seemapuri, the following are the summary of evidence.

2. The complainant, a visually impaired person filed a complaint dated 01.03.2021. The case has two aspects, one of his Compulsory Retirement & the other release of his Subsistence Allowance admissible to him since 05.01.2021 onwards.

3. The complainant inter-alia alleged that he was wrongly imposed penalty of Compulsory Retirement by Lt. Governor, Delhi and sought immediate stay on all pending Disciplinary Proceedings against him and also to withdraw Compulsory Retirement Order No. F.5/14/2017/DOV/94 dated 04.01.2021 issued against him.

4. It was observed by this Court that the Hon'ble Lt. Governor, Delhi had considered all the relevant facts and records of the Case and observed the proven misconduct of the Charged Officer was grave in nature and was of the view that for the proven misconduct, the ends of justice would be met by imposing penalty of "Compulsory Retirement" upon the Charged Officer i.e. Sh. Rakesh Kumar Gupta, the complainant.

5. Moreover, the subject case is of Disciplinary nature where a departmental enquiry was conducted against the complainant as per CCS(Conduct) Rules, 1964. It is not a case of discrimination on the ground of disability as per the provision of RPwD Act, 2016. If at all, the complainant wishes to contest revoke of the Hon'ble LG's Order, it is not within the purview of this Court. The complainant should approach the Superior Court.

6. Further, regarding the plea of payment of Subsistence Allowance admissible to complainant, it was informed by the representatives of the respondent that the admissible allowance had already been paid through ECS to the complainant till 04.01.2021 i.e. upto the date the complainant was under suspension.

7. In view of above, as this complaint is not against non-implementation of any provision of the RPwD Act, 2016 or discrimination on the ground of disability, the complaint is closed.

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

(Ranjan Mukherjee)
State Commissioner for Persons with Disabilities