

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-02
Phone: 011-23216003-04, Email: comdis.delhi@nic.in
[Vested with powers of Civil Court under the
Rights of Persons with Disabilities Act, 2016]

Case No. 2166/1023/2021/03/1328-1329

Dated:26-08-21

In the matter of:

Sh. Avinash Mahavra,
Flat No. 125, Village & Post Office Sanaut,
Delhi-110040
Email: avinash.mahavra@gmail.com

.....Complainant

Versus

The Director
Directorate of Education,
Govt. of NCT of Delhi,
Old Secretariat,
Delhi-110054.
Email: dired@nic.in

.....Respondent

Date of Hearing : 24.08.2021

Present: Sh. Avinash Mahavra, Complainant.
Sh. Rahul Dev, Legal Assistant, Sh. Pradeep Kumar HOS,
GBSSS, Narela alongwith Sh. Rajesh Malik appeared on behalf
of the respondent.

ORDER

The complainant, Sh. Avinash Mahavra, a visually impaired person has filed a complaint dated 12.03.2021 under the Rights of Persons with Disabilities, Act, 2016 hereinafter referred to as the Act and alleged that he has been harassed and misbehaved by Sh. Pradeep

Dahiya, HOS, Govt. Boys Senior Secondary School Narela. His monthly salary was not paid on time and his annual increment, which was due in the month of January, was also intentionally granted in the month of February by HOS, GBSSS, Narela Delhi. Thus, he requested to take strict action against the HOS, GBSSS, Narela.

2. The matter was taken up with the respondent vide letter dated 08.04.2021 for submission of their comments. HOS, GBSSS Pkt-2, Sector-A6, Narela vide his reply dated 16.06.2021 submitted that the salary of complainant was prepared well in time after receipt of his Last Pay Certificate from the previous school on 30.11.2020, though his previous school also paid his salary timely on monthly basis. Further the students did not show any interest in the particular subject (Sanskrit) taught by complainant, this was the reason for which the students could not be enrolled in Class-XI for this subject in session 2020-21. With regard to increment of complainant, a general message was forwarded among the staff members through Whatsapp for giving information and it was also discussed during staff meeting, but the complainant did not inform the school about his increment in the month of Jan.2021. However, his increment & arrear was already paid in the month of Feb.2021. Complainant was asked to check the examination papers being single Lecturer Sanskrit teacher in school, for this he was asked to take help from other colleagues. There was no such intension of harassing him.

3. The complainant vide his rejoinder dated 24.07.2021 (received through e-mail) inter-alia submitted that he was unable to read Whatsapp message being visually impaired, thus he was being harassed for increment and suffered two months i.e. January and

February' 2021 and finally get the benefit of increment in March' 2021. Neither any colleague was asked to help him nor was he asked to take help from them for checking examination papers. He submitted that the HOS intentionally forced the undersigned to take transfer from this school to any other school. He again prayed for conducting proper inquiry by the higher authorities in the matter.

4. To resolve the matter and dispose the petition of the complainant, a hearing was scheduled on 24.08.2021. During the hearing, Sh. Avinash Mahavra, Complainant was present. Representatives of Respondent were also present. Complainant inter-alia added that he has suffered financially due to delay in grant of annual increment and he should not be discriminated in School by HOS in future.

5. HOS, GBSSS Pkt-2, Sector-A6, Narela vide his written submission dated 23.08.2021 pointed out that the Service Book of complainant was not available at the time of increment in the month of January, 2021 the same was received on 01.07.2021. Even though, his annual increment was granted in the month of February 2021 without availability of his Service Book.

6. After due deliberations and discussion, the Court recommends as under:

- (i) As the HOS, GBSSS Pkt-2, Sector-A6, Narela has already granted annual increment to the complainant and disbursed the same with arrear, no further action is required in this regard.

- (ii) HOS, GBSSS Pkt-2, Sector-A6, Narela is hereby directed to take care of the fact that the complainant should not be discriminated in any manner and he should be provided all kind of co-operation and support by school authorities for discharging his duties efficiently.
- (iii) With regard to complainant's grievance towards enrolment of Class XI students for Sanskrit subject, HOS, GBSSS Pkt-2, Sector-A6, Narela was advised that the potential of complainant should be utilised to the fullest and school students should be inspired to take Sanskrit as a subject.
- (iv) Court has taken serious view on the issue of late submission of Service Book of complainant from previous school. Thus, Court also directs Education Department to take care of such lackadaisical approach adopted by various schools comes under its jurisdiction while sending personal record like Service Books. etc of officials from one place of posting to other. Respondent should issue necessary guidelines to all in order to avoid such delays in future.

7. Accordingly, the case is disposed of.

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

(Ranjan Mukherjee)
State Commissioner for Persons with Disabilities