

**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

Phone: 011-23216003-04, Email: [comdis.delhi@nic.in](mailto:comdis.delhi@nic.in)

[Vested with powers of Civil Court under the  
Rights of Persons with Disabilities Act, 2016]

Case No.1800/1023/2020/03/1737-1740

Dated:07-06-2023

In the matter of:

Sh. Pratap Singh Dhama,  
G-63, MCD Colony Dhaka,  
GTB Nagar, Delhi-110009  
Email: [psdhama11@gmail.com](mailto:psdhama11@gmail.com)

.....Complainant

**Versus**

The Commissioner,  
Municipal Corporation of Delhi  
Dr. SPM Civic Centre  
New Delhi-110002

The Director (Personnel)  
Central Establishment Department  
22<sup>nd</sup> Floor, Dr. SPM Civic Centre,  
JLN Marg, New Delhi-110002.

The Director (Education)  
HQs, MCD, 15<sup>th</sup> Floor,  
Civic Centre, Minto Road,  
New Delhi-110002.

.....Respondents

**Date of Hearing:** 06.06.2023

**Present:** Sh. P.S. Dhama, Complainant

Dr. Seema Sharma, Addl. Director(Education), Sh.  
P.K.Jolly, Admn.Officer, & Sh. Naveen Kumar Bansal,  
ASO, Central Establishment Department, MCD on  
behalf of respondents.

## **ORDER**

Sh. P.S. Dhama, a person with 40% locomotor disability filed a complaint dated 03.04.2023 and subsequent representations under the Rights of Persons with Disabilities Act 2016, hereinafter referred to as the Act. He inter-alia mainly submitted his grievances and prayers as under:-

- (i) To assign him Look After Charge or Current Duty Charge to the post of School Inspector (Gen.) keeping in view of his seniority (with retrospective effect as it is a left out case since 2013-14) which had been assigned to several other junior Principals including one Sh. Mahipal Singh. Thus he requested to give relief from discriminatory actions by the concerned authorities.
- (ii) As per recent instructions of Hon'ble Apex Court in the matter of Siddharaju Vs. State of Karnataka and DoP&T OM Dated 17.05.2022, regarding granting of reservation in "Promotion to the Persons with Benchmark Disabilities" in Group-A posts also (like School Inspector-Gen.). Thus, reservation should also be granted on the post of S.I.(CDC & LAC should not be treated as promotion, because one works on the same grade, pay and perks).
- (iii) Delaying or denying for Look After or Current Duty Charge as School Inspector will ultimately affect his seniority and promotion etc. as in the next higher grade of Addl.Director(Education), for which 03 years working experience on S.I. post / supervision of School is essential.

2. The matter was taken up the Respondents vide letter dated 22.11.2022. Director (Personnel), MCD vide letter dated 10.02.2023 submitted that as per schedule of posts 2022-23 of the Municipal Corporation of Delhi, 81 posts of School Inspector were sanctioned in MCD as per existing RRs and proposed RRs of School Inspector, the filling up the post 50% by Direct Recruitment and 50% by promotion from Head Master. Out of 81 only 41 posts will be under promotion quota and 01 post will go to PwBDs candidate as per clause 2.1 and 2.2 of the OM dated

17.05.2022, 01 will go to blindness and low vision persons. Hence the case of Sh. P.S. Dhama, Head Master (Principal) will not be covered under Clause 2.2(a). Further, the case of Sh. P.S. Dhama, Head Master (Principal) (PH under Myopathy) for promotion to the post of School Inspector can be considered as per seniority and availability of vacancy and as per clause 2.2 (c) of the OM dated 17.05.2022 being muscular dystrophy.

3. Complainant vide letter dated 10.03.2023 and 03.04.2023 raised objections against to the above reply of Director(Personnel), MCD and submitted as under:

- i) There were 107 sanctioned posts of School Inspectors in Education of MCD in spite of 81 as per RTI reply dated 23.09.2022 sought from MCD.
- ii) Thus, 3 posts of S.I.s should be reserved for PwBDs.
- iii) As the Corporation had repeatedly mentioned that the CDC as well as LAC are not promotion then the question of 50% quota of promotion does not arise here and in this way 05 vacancies / posts will be for PwD quota.
- iv) Sh. Mahipal Solanki was assigned CDC in June 2013, there was no reservation for Group B post. Moreover, he was 8 and half year senior than Mr. Solanki. So it was arbitrary / not justified to assign a CDC to such a junior without any seniority neither as Principal nor as Teacher. Thus he requested to take appropriate action in this regard.

4. As the complainant was not satisfied with the reply and action so far taken by the respondent, the case was fixed for hearing on 06.06.2023. Both the parties were present and submitted their respective facts as under:

5. Sh. P.K. Jolly, Admn. Officer, CED vide written submission dated 06.06.2023 informed that before unification of MCD there were 117 sanctioned posts of School Inspectors. Consequent upon the approval of Schedule of posts of MCD for the year 2022-23 under section of 90 of DMC Act vide MCD's Resolution/Decision No. 108 dated 08.09.2022, the posts of Assistant Director of Education and School Inspector are merged and re-designated as Assistant Director (Education) and School Inspector vide order dated 23.09.2022. As per scheduled posts 2022-23, **only 81 posts** of School Inspector was allotted to Education Deptt., MCD. He further submitted that as per existing RRs and proposed RRs of School Inspector (General), the filling up of the post 50% by Direct Recruitment and 50 % by promotion from

Head Master. As per report dated 22.03.2023, 20 numbers of School Inspector are working in MCD on Regular/Adhoc basis and -1 School Inspector on CDC basis. Out of 41, only 21 posts of School Inspector are lying vacant in MCD under promotion quota. They further submitted that the case of complainant (PH under Myopathy) can be considered as per seniority, eligibility and availability of vacancy and as per clause 2.2 of the OM dated 17.05.2022.

6. Addl. Director(Education), MCD submitted that after unification of MCD, proposals for regular promotions to the post of School Inspector has been forwarded to Central Establishment Deptt., MCD for considering regular promotion of Head Masters. The same was considered by CED on the basis of eligibility, seniority and category wise vacancy position. With respect to grievance of complainant regarding promotion of his juniors to the post of School Inspector on Look After Charge basis, she clarified that this was being done by the erstwhile SDMC as a stop gap arrangement in view of shortage of school inspectors in SDMC but after unification no Look After Charge was granted to anyone.

7. Complainant reiterated his written submissions and added that his juniors had earlier been selected as School Inspectors on CDC/ LAC basis on pick and choose basis in the year 2013 but after the orders of the then Commissioner for Persons with Disabilities almost 22 S.I. were reverted back except Sh.Mahipal Singh. After reversal of School Inspectors (LAC) authorities became prejudiced and biased against him and as a result he had to face various consequences like suspension, transfers and rejection of his case for assigning LAC to the post of School Inspector in erstwhile North DMC. Some more batch mates of him were later on granted the said charges after singling him out. They were given promotion in two and a half year's period and ignoring the fact that they had to work as Principal for a minimum period of eight years as per law. He further informed that the department is not filling up 50% posts through Direct Recruitment. Since 2005, no direct recruitment was done by the Department, thus in this scenario he should be given the benefit of 4% reservation in promotion against the total number of sanctioned posts of School Inspector. He further submitted that his junior Principals who are posted as LAC / CDC do inspections of schools of senior Principals like him. This is very humiliating as they also have right of filling their APARs. Complainant also highlighted arbitrary and discriminatory attitude of concerned authorities of CED, MCD as they raised

some queries on his promotion dated 11.02.2009 as Principal (like review of promotion) despite 14 years of my continuous excellent service record while no such queries were raised at the time of assigning CDC to my junior Sh. Mahipal Singh. This also shows vindictive biased and prejudice attitude of the concerned authorities against him. He again prayed this Court for passing appropriate orders in this regard.

8. After due deliberations / discussion and considering the submissions of the complainant & respondent, the Court observed / recommended as under:-

(i) Court was satisfied with the clarification / reply submitted by respondent that at present, there were only 81 sanctioned posts of School Inspectors instead of 107. However, considering the facts as explained by complainant that no direct recruitment was being done by the department since 2005, **Court directs MCD that in case 50% direct recruitment does not happen in the next six months(by 6<sup>th</sup> December'2023), then the point raised by the complainant that his promotion should be considered against the 4% of total sanctioned posts, will remain valid. Thus, it may be ensured that no discrimination be meted out to the complainant on the ground of his disability.**

(ii) Court observed that there are several general as well as persons with disabilities working as School Inspectors with Look After Charge, who are juniors to the complainant. In this regard, Court directs MCD to review the complete Look After Charges and ensure that no one junior to complainant holds the Look After Charge / Current Duty Charge.

(iii) Education Deptt. of MCD should also ensure that no junior officials having Look After Charge, should evaluate the APARs of seniors & inspect the schools / institutions headed by their seniors officers. By virtue of Look After Charge they cannot be allowed to inspect such schools or fill their APARs.

(iv) On the point raised by complainant that 03 years working experience on the post of School Inspectors /Supervision of school is essential for the next promotion to the post of Addl.Director(Education), representative of CED, MCD clarified that no such experience of S.I. on LAC should be considered in the promotion to the post of ADE.

(v) Court also directs Commissioner, MCD to ensure that there is no discrimination against the complainant with respect to review of promotion, fixing of seniority and any other kind of service matter.

9. Accordingly the case is disposed of. The Court be apprised with the Action Taken Report as required under section 81 of the Act.

10. Given under my hand and the seal of the Court this 07<sup>th</sup> day of June, 2023.

**(Ranjan Mukherjee)**  
**State Commissioner for Persons with Disabilities**