



सत्यमेव जयते

न्यायालय मुख्य आयुक्त विकलांगजन
COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES
विकलांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities
सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment
भारत सरकार / Government of India

Case No.3697/1024/2015

Dated:-08.07.2016

In the matter of:

Shri Atul Gupta,
E2/16-A, First Floor, 2169
Gali No. 1,
Shastri Nagar,
Delhi-110052.

..... Complainant

Versus

University Grants Commission,
(Through Chairman),
Bahadur Shah Zafar Marg, 2170
New Delhi-110002.

..... Respondent No.1

Hindu College,
(through Principal), 2171
Hindu College,
University of Delhi,
Delhi-110007.

..... Respondent No.2

Date of hearing : 14.06.2016

Present :

1. Shri Atul Gupta, Complainant.
2. Shri Rajeev Sharma, Advocate, on behalf of the Respondent No.2
3. Respondent No. 1 absent.

O R D E R

The above named complainant, a person with more than 60% locomotor disability filed a email complaint dated 27.01.2015 before the Chief Commissioner for Persons with Disabilities under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to the 'Act' regarding non-allotment of government accommodation and non grant of study leave for pursuing his doctoral research work.

2. The complainant has submitted that he is working as Assistant Professor in Commerce in Hindi College, University of Delhi since 09.01.2007. Apart from teaching undergraduates, he was a Convener of Maintenance and Development Committee of Staff Council during 2013-14. He further submitted that his request to the Principal, Hindu College and Chairman of Governing Body, Hindu College for allotment of government accommodation on preferential basis fell deaf ears. He submitted that he was also not given any reply by the Principal of his college to grant him study leave for doing Ph.D alongwith other relevant issues related to college functioning. He gave many reminders but received no reply.

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3. The matter was taken up with the Chairman, University Grants Commission (UGC), New Delhi vide this Court's letter dated 18.02.2015 followed by reminders dated 21.04.2015 and 29.04.2015.

4. The respondent vide letter No HC-1/2668 dated 05.05.2015 submitted that the Hindu College, University of Delhi is not a Central Government organization. Notwithstanding this, the College has 18 residential houses against the total teaching staff of 141. The accommodation is allotted to anyone who applies for a particular accommodation whenever it falls vacant on the basis of seniority. They have also to keep in mind the reservation for SC/ST/OBC/PH. Out of the 18, they have already allotted one accommodation to a physically challenged teacher who is senior to the complainant. Therefore, the Governing Body observed that whenever the next accommodation is allotted and whenever under the roster system it falls in the category of PH reservation, the complainant's case will be considered at that time. In addition to the above limitations, a few teachers of the College have gone to the Hon'ble High Court on the issue of HRA. The Management is not allocating the vacant accommodation because the matter of rent chargeable from the teachers is sub judice. He further submitted that the study leave is sanctioned as per UGC/University guidelines. As per guidelines, the total number of staff which can be on study leave should not exceed 10% of the total number of teachers. There is no reservation of any kind for grant of study leave in favour of SC/ST/PH. Therefore, the complainant will have to wait for his turn.

5. A copy of letter No.HC-1/2668 dated 05.05.2015 received from the respondent was forwarded to the complainant for his comments/rejoinder.

6. The complainant vide his letter dated 13.06.2015 has submitted that the Hindu College is part of Delhi University as constituent college. It is funded by UGC, so all Central Government employees' rules and regulations including reservations are applicable on Hindu College employees also. College has given false reply regarding allotment of staff accommodation to a physically challenged Teacher out of 18 staff houses. A blind teacher Dr. Jagdish of Political Science Department was allotted house in 1995 under general category as there was no reservation policy application with regard to allotment of houses to disabled persons at that time. This policy became operational in 2005 only (5% quota for PH staff in accommodation. Till date, 5 houses are lying vacant. On 13.12.2012 almost 2-1/2 years earlier he submitted first request for implementation of reservation policy for PH employees for house allotment and asked college to maintain proper roster for that but till date no reply by college. Almost one year later, College issued notice to teaching staff on 04.11.2013 for allotment of

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vacant houses and on 08.11.2013 I applied for said accommodation under PH quota but no reply or allotment by college till date. The resident teachers filed case on 25.04.2014 only. His application for allotment is dated 08.11.2013. the final order of High Court will be binding on all residents and he also but till that time he should have been allotted house on existing norms by College. Court case has no subject matter related to allotment issue of vacant house. He further submitted that in case of his study leave, he hereby submit that I placed a RTI on 28.08.2014 to inquire about status of his application of study leave dated 05.02.2014 but College in its reply to my RTI at point 5 clearly stated Not Applicable. Moreover, recently college gave one of my commerce department senior Lady teacher Child Care Leave out of turn purely on compassionate grounds even she was senior Lady Teacher. If College has provision to sanction leave out of turn then in my case due to my physical handicap in his left hand, College should be considerate to give him the leave out of turn.

7. A copy of the comments/rejoinder dated 13.06.2015 received from the complainant was forwarded to the respondent for his comments vide this Court's letter dated 31.07.2015.

8. The respondent vide letter No.HC-1/3234 dated 14.12.2015 submitted that the status of allotment of houses in the campus remains the same since the matter is sub-judice in the Hon'ble High Court. In this connection it is informed that the complainant has been sanctioned study leave as per his request and when his turn came on 1.9.2015.

9. Upon considering respondent No.1's reply dated 05.05.2015 and respondent No.2's replies dated 05.05.2015 and 14.12.2015 and complainant's rejoinder dated 13.06.2015, a hearing was scheduled on dated 14.06.2016.

10. During the hearing on 14.06.2016, the complainant reiterated his written submissions and stated that I have finally been sanctioned leave but that with condition of availing immediately that is violation of study leave rules of Delhi University Rules, 2013, which gives one year time of availing the leave after sanction. Moreover, his study leave was already due and college deliberately did not give him leave on time. He has all documentary proof through RTI to prove that his leave number came almost 7 months earlier. Till date only 10 teachers are on 10% cap leaves and still 4 teachers can go on study leave or extra ordinary leave or child care leave as per UGC and DU leave rules but college is deliberately not following leave rules to harass teaching staff without any reason. The Hindu College is not allotting staff houses since 31.03.2010 to teachers which is direct loss to public exchequer as 100% HRA goes to UGC if these 5 vacant houses are allotted to teaching staff.



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11. None appeared on behalf of respondent No. 1 nor any intimation received about his inability to attend the hearing on 14.06.2016 despite the fact that the Notice of hearing was sent on 24.05.2016 by Speed Post. The Court noted with serious concern, the utter disregard shown by the respondent by neither intimating his inability to attend the hearing nor caring to appear to explain his versions of the case.

12. The Counsel appearing on behalf of respondent No.2 filed documents alongwith citations, which were taken on record. The application for request of the complainant of the study leave was processed and the leave was sanctioned to the complainant with effect from 01.09.2015 when his turn came. However, the complainant did not avail the same. The complainant was duly intimated about the sanction of the study leave to him. He further submitted that the Research Centre is to be constructed in the Hindu College at the site where two staff quarters provided by the Trust are located. Both are lying vacant as on date one of them is in a dilapidated condition. Permission accorded for the demolition of the two quarters so that the work for the research centre starts expeditiously.

13. As per the Deputy Registrar (Colleges)'s letter No.CCL/2011/CS-III dated 04.10.2011 submitted by the complainant during the hearing, this Court observed that the number of permanent teachers on study leave, on earned leave and child care leave put together should at no time exceed 10% of the total number of sanctioned teaching posts in the college.

14. After going through the papers on record and after hearing the parties, this Court observed that the complainant was sanctioned study leave at his turn on 01.09.2015 and hence there appears no grievance remains pending in this regard, for which any direction can be given to the respondent.

15. As regards the issue regarding allotment of house in the campus, this Court observed from the papers on record that Nirmal Jain and Others have filed a Writ Petition (C) 2593/14 against the Hindu College & Ors. in the Hon'ble High Court of Delhi, which as per the parties is pending in the Hon'ble High Court for adjudication. Therefore, this Court cannot give any direction to the respondent. However, the respondents may consider the request of the complainant in the light of extent rules keeping in mind the direction, if any, issued in the matter by the Hon'ble High Court of Delhi and, if possible, allot a quarter to the complainant.

16. The case is accordingly disposed off.

(Dr. Kamlesh Kumar Pandey)
Chief Commissioner
for Persons with Disabilities