



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.: 6705/1024/2016

Dated: 21.03.2017
Dispatch No.....

In the matter of :

Dr. Rajesh Kumar, 0867
A-336, Vipin Garden,
Uttam Nagar,
New Delhi – 110 059
Email<drrajeshcci@gmail.com)

.....Complainant

Versus

University of Delhi,
(Through Jt. Registrar)
South Campus, 0868
University of Delhi,
Benito Juarez Road,
New Delhi – 110 021

.....Respondent 1

Bhagini Nivedita College,
(Through the Principal), 0869
Najafgarh,
Kair,
New Delhi – 110 043

.....Respondent 2

Date of Hearing : 23.02.2017

Present :

1. Dr. Rajesh Kumar, Complainant along with Dr. R.S. Mishra, Associate Professor
2. Dr. Pradeep Kumar, Assistant Registrar, Colleges, Representative on behalf of Respondent No. 1
3. Shri G.K. Pathak, Advocate on behalf of Respondent No.2

ORDER

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The above named complainant a person with more than 40% locomotor disability filed a complaint dated 27.07.2016 under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to as the 'Act' against non payment of Travelling Allowance, harassment etc.

2. The complainant submitted that he is presently working as Assistant Professor in History Deptt. in Bhagini Nivedita College, Kair, Delhi for the last seven years. As a representative of College Governing Body he has been raising issues concerning the college which the College Principal does not like. Dr. Purabi Saikia, the Principal of the college has been harassing him on one pretext or other and

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she started malicious campaign against him. He was denied his right of becoming Teacher in charge for the academic session 2016-17. His Travelling Allowance for the month of June 2016 was stopped without any reason. Dr. Purabi Saikia also tried to implicate the complainant in a false case. He was also marked absent on 21.06.2016 (Yoga Day) while he was personally present during the programme.

3. The matter was taken up under Section 59 of the Act with the respondent vide this Court's letters dated 22.08.2016.

4. The respondent no. 2 vide letter no. BNC/ADMN/16/718 dated 19.10.2016 has filed reply stated therein that the complaint filed by the complainant is false and fabricated. She submitted that the Teacher-in-Charges are appointed on the basis of seniority (on rotation basis) for a period of two years. There are only two permanent teachers in the Deptt. of History. The complainant will be appointed as Teacher-in-Charge in the coming years 2017-18 and 2018-19. She further stated that if the complainant had suspected any foul play, he should have complained it during 2015-16 when he was made Teacher-in-Charge. Regarding Transport Allowance, she has submitted that the complainant did not come to the college to attend/perform any official duty during the month of June 2016. Therefore, he was not given the Transport Allowance pertaining to that period. During the International Yoga Day Function on 21.06.2016, all teachers were advised to attend the function. There is one more teacher with 100% visual impairment who attended the Yoga Day function, but the complainant did not turned up for the same. She further stated that the complainant did not furnish the complete information before this court and mislead it as this matter is sub-judice in the Hon'ble Districts Court, Dwarka. As regards implicating him in false castiest remarks case, she submitted that a case against the complainant has been filed by one Shri Rajkumar, an adhoc teacher belong to SC category under relevant SC/ST Act. She also referred to another case in the matter of Shri Atul Kumar Gupta vs UGC and Hindu College mentioning that this court did not give any direction to the respondent as the matter was pending in the Hon'ble High Court. The said case 3697/1024/2015 was disposed of by this court during July 2016.

5. The Assistant Registrar (Colleges), University of Delhi, respondent no. 1 also filed reply vide letter no. CS-I/111/Misc./(TS)/BNC/34/2016/447 dated 21.11.2016 enclosing therewith copy of reply filed by the respondent no.2 vide letter dated 19.10.2016.

6. The complainant vide his rejoinder dated 28.10.2016 submitted that the tenure of the teacher in charge as stated by the Principal in her reply dated 19.10.2016 is 2 years where as the chart given therein shows that the tenure is not more than a year. He performed officiating duty in place of Dr. Nalini Mathur for 6 months and 10 days and for 9 month and 10 days during the years 2013-14 and 2014-15 respectively. This duty was not by choice or by rotation but to accommodate her colleague who as on CCL leave. He submitted that he was very well present on the International Yoga Day and signed his presence also which can be verified from the Yoga Teacher and others present on the occasion. As regards implicating him in castiest remarks, he submitted that though the matter is sub-judice in the court, but he has been given a clean chit in the case by the fact finding committee constituted by the Governing Body of the college. He submitted that the reason behind not giving him

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TIC duties for the year 2016-17 was to favour one Shri Raj Kumar, an Ad-hoc teacher in their college who is to be re-appointed for another term in the same year in the college and who is a close associate of the Principal, Dr. Purabi Saikia. He stated that about 28 charges of corruption are pending against Dr. Saikia relating to misgovernance and misrepresentation of facts, Teaching/Non-teaching appointments in college etc.

7. Upon considering Respondent's replies dated 27.09.2016, 19.10.2016, 21.11.2016, 28.11.2016 and complainant's rejoinder dated 28.10.2016, a hearing was scheduled on 23.02.2017.

8. During the hearing the complainant reiterated his written submissions that he was denied his right of becoming Teacher in Charge for the academic session 2016-17. His Travelling Allowance for the month of June 2016 was stopped without any reason. He was also marked absent on 21.06.2016, the Yoga Day, while he submitted that was personally present during the programme. Dr. Purabi Saikia also tried to implicate the complainant in a false case. The representative of the complainant present during the hearing submitted that the complainant was very well present during the Yoga Day. The peon who was present on the Yoga Day was asked to get signatures of Dr. Rajesh Kumar and Ms. Rita, but the peon did not take the signature of the complainant. The Teacher in Charge (TIC) was not given to the complainant when it was due deliberately by the College Principal.

9. The representative of Respondent no.1 submitted that the Governing Body of the college is the appointing authority in respect of Teaching and non-Teaching staff. All such grievances/representations received in university are referred to the Chairman, Governing Body for appropriate action as per the prescribed rules.

10. The Learned Counsel on behalf of Respondent no. 2 submitted that as per the complaint of the complainant, there is no violation of any provisions made in the Persons with Disabilities Act. So far as the complaint regarding non payment of Travelling Allowance is concerned, the complainant could not present himself at the time fixed officially for the purpose and hence he was not paid Travelling Allowance. The other allegations regarding the fault SC case filed against the complainant, the complainant is not entitled to raise the same before this Hon'ble forum being sub-judice before the competent court of law. The college has already replied that the complainant could be taking charge as TIC from 2017-2018 after 2-3 months and hence nothing remains in the complaint against the answering college.

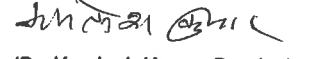
11. After hearing the parties this court observed that the complainant should have been given the work as Teacher in Charge during the year 2016-2017. This Court advised the Respondent no. 2 to follow the college rules and give a chance to the complainant to work as Teacher in Charge during the Academic year 2017-18 as per extant rules and to ensure that employees with disabilities may not be deprived of their legitimate rights. The issue regarding payment of Transport Allowance, is an

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administrative matter and, therefore, the respondent no. 2 after inquiring / examining the matter decide the issue within 30 days of receipt of this Order. As regards implicating in castiest remarks case, since the matter is sub-judice before the Court, this Court cannot give any advice in the matter.

12. In the light of the above, the case is dlsposed off accordingly.


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