



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.: 4330/1024/2015

Dated: 31.08.2017
Dispatch No.....

In the matter of :

.....Complainant

Shri Rabindra Behera,
Asst. Clerk-cum-Typist,
DVC M.E. School, R3194
Panchet Da,
Dist. Dhanbad,
Jharkhand - 828206

Versus

.....Respondent

Damodar Valley Corporation,
(Through the Chairman)
DVC Headquarters, R3195
DVC Towers,
VIP Road,
Kolkata - 700 054

Date of Hearing : 24.05.2017

Present :

Shri Rabindra Behera, Complainant, Present
Shri Rudra Pratap Singh, Addl Director (HR) – present on behalf of Respondent.

ORDER

The above named complainant, a person with 100% visual impairment has filed a complaint under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 hereinafter referred to as the Act, regarding discrepancy by the management of Damodar Valley Corporation.

2. The Complainant submitted that he is working as Assistant Clerk-cum-Typist in a School managed by Damodar Valley Corporation in Panchet. He is a good typist and also has knowledge of computers. During Summer vacation, he was not given duty by the School management and instead engaged other employees. He was overlooked and due to their negative attitude, he was frustrated and depressed.

3. The matter was taken up with the respondent under Section 59 of the Persons with Disabilities, Act 1995 vide this Court's letter dated 03.06.2015.

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4. The Chief Engineer & in-Charge (HR), Damodar Valley Corporation vide letter no. PL/13R/107 pt III/ vol.-III/Physically Handicapped/1191 dated 01.07.2015 submitted that the Complainant is a clerical staff of the School, who is entitled for all necessary Pay & Allowances as admissible to him during the summer vacation of the school. The respondent further stated that during the summer vacation of the school, only teachers are engaged for carrying out pending academic work or holding special classes for which they are compensated with the grant of Earned Leave without any financial benefit. Since the complainant's service condition does not qualify to avail vacation during summer vacation, he was advised to attend the office along with the other clerical and ministerial staff and Headmaster/Asstt. Headmaster of the school. It is further stated that the complainant has misunderstood that he is also entitled to avail vacation or extra wages/benefits for attending the normal duty hours during school summer vacation as being done in the case of teaching staff.

5. The complainant vide his rejoinder dated 16.09.2015 submitted that before beginning of vacation a permission letter assigning his name along with other teaching staff was sent to the School management authority for its approval by the Headmaster. In the year 2008, during Puja vacation, he was not allowed to attend duty for 12 days and in turn 8 days earned leave was not credited in his E.L. account. The complainant has enclosed a copy of the letter dated 04.05.2015 of the Asstt. Headmaster (Actg.), Damodar Valley Corporation written to the Dy. Chief Engineer (C) along with his rejoinder regarding permission of the staff along with the complainant for doing office work during the summer vacation in the year 2015. The complainant also enclosed along with his rejoinder a copy of Order dated 15.05.2015 issued by the Additional Director-HR, Damodar Valley Corporation directing four staffs to attend the School during the summer vacation – 2015 w.e.f. 15.05.2015 to 06.06.2015. The complainant's contention is why did not the Dy. Chief Engineer (C), Circle-I DVC, Panchet who looks after all official works of school and had also given him duty during the last vacation period allowed him to attend duty ? and why did the Addl. Director Personnel (HR), DVC, Panchet issue the approval letter after five days of beginning of summer vacation? He feels that it is a conspiracy of the management to expel him from the duty which will deprive him from enjoying the facilities of 30 days earned leave which are provided to all clerical & ministerial staff by the Corporation in a year.

6. Upon considering Respondent's reply dated 01.07.2015 and Complainant's rejoinder dated 16.09.2015, a personal hearing in the matter was scheduled on 24.05.2017.

7. During the hearing, the Complainant reiterated that the Respondent is not deputing him for work during the Summer and Pooja Holidays in the School.

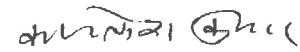
8. During the hearing, the representative of Respondent vide their letter dated 24.05.2017 submitted that the Complainant is working as Assistant Clerk-cum-Typist and he was appointed

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under PH quota. They submitted that all the teaching staff of ME School, Panchet are vacation staff, whereas the Complainant is a non-vacation staff. As per norms, non-vacation staff will attend their duty during summer vacation. Whereas for vacation staff, a specific order is required for attending the school during the vacation. They have reiterated that non-vacation staff will automatically enjoy the attached benefits during summer vacations. So far complaint of Shri Rabindra Behera is concerned, it occurred due to misconception of the Order issued for attending School during summer vacations in the year 2015, which is meant for teaching staff. In 2015 summer vacation, the Complainant enjoyed all the attached facilities. In order to avoid any misconception, the Complainant's name was also incorporated for duty with vacation staff from the subsequent year. The Respondent further submitted that the Complainant was never deprived from the duty or any other benefits for which he is duly entitled.

9. After hearing both the Complainant and the representative of Respondent, the Court observed that there is no violation of any Rights of Persons with Disabilities as provided under the Act.

10. The case is accordingly disposed off without any direction to the Respondent.



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