



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.: 4896/1024/2015/PG

Dated: 04.07.2017  
Dispatch No.....

In the matter of :

Shri Jyotirmoya Mitra,  
Rani Bazar,  
Katrasgarh,  
P.O. : Katrasgarh, R1982  
P.S. : Katras,  
Dist : Dhanbad,  
Jharkhand – 828 113

.....Complainant

Versus

Bharat Coking Coal Limited, R1983  
(Through Chairman and Managing Director)  
Koyla Bhawan,  
Koyla Nagar,  
Dhanbad  
Jharkhand – 826 005

.....Respondent

Date of Hearing : 24.10.2016, 12.01.2017 and 15.03.2017

Present :

1. Shri Rajendra Kumar Sharma – On behalf of Complainant
2. Shri Ratnakar Mallick, Sr. Manager (Pers), APM – On behalf Respondent

ORDER

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The above named complainant, a person with 75% visual impairment has filed a complaint dated 04.06.2015 under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to as the Act, regarding non-payment of his salary.

2. The complainant submitted that he had some contractual work under Bharat Coking Coal Limited, Dhanbad but the payment has not being paid by the Respondent. The management has been giving wrong information about the payment. He submitted that his firms namely Manorama Enterprises and Santosh Enterprises had supplied High tension and materials to subordinate offices of BCCL namely Govindpur area no. 3,4 and 9 Bastacola etc. When he submitted the bills for payment, he was informed by the BCCL Management that all the bills were paid.

3. The matter was taken up with the respondent under Section 59 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 vide this Court's letter dated 04.08.2015.

सरोजिनी हाउस, 6, भगवान दास रोड, नई दिल्ली-110001; दूरभाष: 23386054, 23386154; टेलीफैक्स : 23386006  
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E-mail: ccpd@nic.in ; Website: www.ccdisabilities.nic.in  
(कृपया भविष्य में पत्राचार के लिए उपरोक्त फाईल/केस संख्या अवश्य लिखें)  
(Please quote the above file/case number in future correspondence)

4. The Respondent vide letter no. BCCL:PER:IR:15:2913-15 dated 25/26.08.2015 has submitted that they have received a reply from the General Manager, Govindpur Area, BCCL, Dhanbad vide letter No.1744-45 dated 24.08.2015. It is seen from the letter that the complainant has already been informed by the management of BCCL, regarding non-pending of any dues as claimed by him vide letter No. 17324-29 dated 05/10.12.2014, 575-80 dated 07/09.05.2015, 131 dated 13.06.2015, 249 dated 17.08.2015 and CIC Order No. CIC/SS/A/2012/0003595 dated 27.06.2013.

5. The complainant vide his rejoinder dated 03.09.2015 while reiterating his earlier submissions made in his complaint has submitted that the concerned authority intends to grab his money because he is a person with visual impairment. The management is 'itself confused whether any payment has been made to him'.

6. The Respondent vide letter dated 29/30.12.2015 has submitted that the payments against the bills raised by the complainant and his cos., during 2012, 2013 and 2014 have been paid through RTGS on different dates against his Bank A/c in UBI, Dhanbad Branch as mentioned in the letter dated 05.01.2015 issued by Area Finance Mänge, Govindpur Area, BPCL, Dhanbad

7. The complainant vide his rejoinder dated 31.03.2016 has submitted that the management of BCCL has made attempts to direct the attention of this Court by submitting irrelevant documents. The complainant further submitted that as regarding submission of unpaid bills, he has already submitted that the Order of Hon'ble C.I.C. passed in Case No. CIC/SS/A/2012/0003596 dated 27.06.2013, has no relevancy with the present grievances. The details of payments made through RTGS for the period 24.08.2012 to 24.03.2014 are insufficient and not related to his grievances raised for non payment of his genuine claims for the period from 2009-2014.

8. Upon considering the respondent's replies dated 25/26.08.2015 & 29/30.12.2015 and complainant's letters dated 03.09.2015 and 31.03.2016, a hearing was scheduled on 14.09.2016.

9. During the hearing, the complainant reiterated his written submissions and submitted that his two firms Manorama Enterprises and Santosh Enterprises are registered with Small Scale Industries, Dhanbad (Jharkhand). His payment of Rupees Ten Lakhs is pending from the respondent, for which he has already submitted the bills which have been duly acknowledged by the respondent. But the respondent has submitted that they have already made the payment of whatever the dues of the complainant are. He further submitted that if the payment has

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been made by the respondent, then they may give details of the mode of payment, i.e. by Cheque, Bank Draft, RTGS etc. in the account of the complainant.

10. During the hearing the representative of the respondent submitted that whatever bills are available in their records, have been duly paid to the complainant through bank payment. The details have already been submitted to the complainant. Further, no bill is pending in their record at present. The complainant before coming to this Court had filed a RTI before the CIC. We have already given the same reply to RTI that no payment of the complainant is due. The facts of the case have already been submitted before this Court.

11. After hearing the parties the complainant is directed by this Court to submit the detail of pending bills alongwith Work Orders to the respondent for making payment. He is also directed to submit the following documents to this Court before one week of date of next hearing, i.e. on 24.10.2016.

- (i) Copies of Registration Certificate of both the firms of the complainant.
- (ii) Copies of pending bills alongwith Work Orders which were submitted to the Respondent for payment.
- (iii) Copy of the reply received from the respondent.

The hearing in the case was adjourned to 24.10.2016. The parties were directed to come prepared for arguments on the date of hearing alongwith all relevant records so that a final view can be taken in the matter on the date of hearing.

12. During the hearing, the complainant reiterated his written submissions and submitted that he had submitted his bills to BCCL, Govindpur Area and was given receipt vide which he has already submitted the Work Orders, Bills and Challans. If the respondent says that they have already made the payment to him, then they may give him the proof of that. If the respondent states that no payment is due, then they may give him the proof of that. He had asked the respondent through RTI from PIO, Govindpur area to give him the details of payment, if the payment has been made to him. He got the reply from the respondent regarding the payment being made to him but that payment was not related to the bills referred by him in the instant case.

13. The representative of the respondent submitted that as per Court's direction dated 21.09.2016, the complainant has given a statement of 4 pages of 54 documents containing some correspondence with the Colliery Authorities, some Work Order, some Challans and some bills and correspondence relating to RTI matter. On examining the said documents, it revealed that all bills are of different dates and tracing the pending bills required three things. (i) Copy of

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Work Order, (ii) Copy of Challans in respect of the said Work Order and (iii) Copy of Bills in respect of the said Order. The respondent also submitted that this is not the proper forum to decide any monetary matter. The complainant is not being deprived on the ground of his physical disability as alleged by him. The next hearing as adjourned to 12.12.2016. Both the parties were informed vide this Court's letter dated 08.12.2016 that due to holiday falling on 12.12.2016, the hearing in the case was rescheduled to 12.01.2017.

14. During the hearing, the complainant reiterated his written submission and submitted that as per Court's directions, the pending bills along with Challans, Purchase Orders/Work Orders were submitted to the Respondent on 05.12.2016. The Respondent has pointed out some discrepancies in the pending bills/Challans etc. submitted by the complainant. He further submitted that he has submitted his bills against Purchase/Work Orders. The Respondent can check the item-wise details of bills/Work Orders which they have issued in favour of the Complainant. Most of the Purchase Orders/Work Orders issued by the Respondent are without date.

15. The representative of the respondent submitted that the complainant has submitted incomplete bills, challans and work orders. However, the same has been sent to the concerned Department for examination. In the next date of hearing, the report of the submitted bills by the complainant will be placed before the Court. A copy of the Report will also be sent to the complainant.

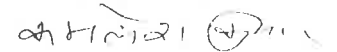
16. After hearing the parties, the Court directed the Respondent to settle the pending claim of the Complainant after getting bills verified/examined from the concerned Departments within 60 days from the date of hearing and submit the report to this Court. The complainant is exempted from appearing on the date of hearing. The next date of hearing was scheduled on 15.03.2017.

17. During the hearing, the complainant submitted that this Court vide its Order dated 25.01.2017 had directed the Respondent to settle the pending claim of the complainant after getting the bills verified/examined from the concerned departments within 60 days from the date of hearing and submit its report to this Court. The Court also exempted the complainant from appearing in the next hearing. After getting the reply from the Respondent, the complainant appeared before this Court. The Respondent has not verified any bills/Work Order /Purchase Order and also not rejected specific bills or the Purchase Order but simply says that the bills are fabricated without supporting with Purchase Order/Work Order. The complainant has further submitted that all the bills along with Purchase Order and Work Order in this Court on 12.01.2017. The Respondent is simply saying that there is no payment due from their side.

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18. During the hearing the Respondent stated that the complainant is neither an employee under the respondent nor the claim made by the complainant is admitted claim rather disputed, therefore, the Respondent has stated that this Hon'ble forum has no jurisdiction to entertain the complaint made by the complainant, presenting the complainant in misuse of the provisions of the special enactment names persons with Disabilities (Equal Opportunities Protection of Rights and Full Participation) Act, 1995. The Respondent submitted that the complainant claimed to have executed some contractual jobs under the Respondent in one of its Area namely Govindpur Area and as per records available with that Area of respondent, the Complainant has been paid for. Beside above period of such executive work unpaid dues even if any, has become time barred in law due to efflux of time. The Respondent submitted that it is relevant to mention that before approaching this Hon'ble Forum, the complainant ventilated his grievance before all other authorities like the learned Chief Information Commissioner and even before the Hon'ble Prime Minister of India, but did not succeed in his attempt to squeeze money from the Central Government Company, i.e. a Public Exchequer. It may be kindly be appreciated that in absence of any admitted dues of the complainant from the Respondent, there arise no occasion for this Hon'ble Forum to consider the complaint made by the complainant, more specifically when the disputed claim is based on copies of fabricated bills without support of work/purchase/supply orders. The Respondent has prayed to kindly dismiss the complaint.

19. After hearing of both the parties and perusal of the record available, Court advised to the Respondent to settle the pending claims of the complainant after proper verification within two months from the receipt of the bills and further Court directed to the complainant to submit the correct bill along with supporting documents with Challan/Purchase Order/Work Order within 15 days of receipt of this Order and thereafter Respondent's compliance to the Court accordingly.



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