

PUBLIC GRIEVANCES COMMISSION
GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI
Order under Para 2(B) of the PGC Resolution No F.4/14/94-AR dated 25.9.97

Date of hearing: 3.4. 2018

Complainant : Sh. Suresh Kumar Sharma

Respondent : The Director,
Dte.of Education,
Govt.of NCT of Delhi,
Old Secretariat, Delhi-110054

Grievance No. : PGC/2017/Annexure-II/Edn./30

Grievance filed on : 16/10/2017

First hearing in the PGC : 15/11/2017

Scheduled on

1. Brief facts of the complaint

Sh. Suresh Kumar Sharma filed a complaint in PGC on 16/10/2017 regarding non payment of Earned Leave Encashment, Provisional Pension and Grant of MACP retired on 31.8.2017.

2. Proceedings in the Public Grievances Commission

The PGC convened its first hearing in the case on 15.11.2017 and the latest hearing on 19.12.2017 and the latest on 07.02.2018 wherein the following were present:-

Complainant : Absent.

Respondent : Sh. N.C.Dhyani, SO,DDE (South)

3. Relevant facts emerging during the hearing

An ATR has been filed on behalf of Section Officer (ACP Cell), Services Department, GNCT of Delhi stating that *“The grievance of Sh.S.K.Sharma is under process for finalization of reply with Directorate of Education, Govt. of NCT of Delhi. Hence it is requested to grant one week time to submit the reply.*

It is pertinent to mention here that Ms. Savita Drall DDE (South) is engaged in a workshop at SCERT where members of IIM-A are visiting so she is unable to attend this hearing..”

The officer present on behalf of the department has stated that the Account branch has asked them to deduct the LTC advance taken by the complainant from 50% leave encashment released to him. He stated that although the complainant had taken LTC advance but he could

not go, therefore department is entitled to take the money back.

The Commission has already given its opinion that LTC advance need not be deducted from 50% leave encashment released to him since the full gratuity amount is under the control of the department.

The Commission again reiterates that the total of 50% leave encashment be released to the complainant as already advised by the Commission. As regards of LTC advance, since the complainant had not availed LTC, but kept the money with him, the department can even charge interest on LTC advance and when gratuity is be given to him, LTC advance be deducted along with interest.

4. Directions by PGC

The department is advised to charge interest on LTC advance and deduct the total amount from gratuity be given to him when disciplinary matter is settled.

In view of above directions, the Commission has decide to close the case.

**(N. DILIP KUMAR)
MEMBER**

Copy to:

1. The Director, Dte. of Education, Govt.of NCT of Delhi, Old Secretariat, Delhi-110054.
2. The Pr.Secretary (Services), Govt.of NCT of Delhi, B-Wing, 7th Level, Delhi Secretariat,I.P. Estate, New Delhi.
3. The DDE (HQ)/ Nodal Officer, Dte. of Education, Govt.of NCT of Delhi, Old Secretariat, Delhi-110054.
4. Ms. Savita Drall, Dy.Director of Education, GNCTD, District South, (Administration Branch), Room No.17, First Floor, Sector-III, R.K. Puram, New Delhi-110022.
5. Sh. Suresh Kumar Sharma
6. PS to Member, PGC, GNCTD.