

**PUBLIC GRIEVANCES COMMISSION**  
**GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI**  
**I.P. Estate (near ITO), Vikas Bhawan, M-Block, New Delhi-110110**  
**Tel Nos. 011-23379900-01 Fax No.011-23370903**

**Order under Para 2(B) of the PGC Resolution No F.4/14/94-AR dated**  
**25.9.97**

Grievance No.PGC/2018/A.II/Edn./21/

Date of hearing: 02.7.2019

Complainant : Ms.Radha Bhardwaj - Present.

Respondent : The Director,  
Dte.of Education, GNCTD.

Through Sh. V.K. Gaur, DDE, Zone-8,  
Ms. Anita Sethi, Sr.A.O. HQ(Education)  
Ms. Kusum, Principal,  
Shri Mukesh Sharma, ASO,  
Bansidhar Memorial Girls SS School - Present.

**1. Brief facts of the complaint**

1.1 Ms. Radha Bhardwaj has filed a grievance in PGC regarding release of pensionary benefits.

**2. Facts emerged during the proceedings.**

2.1 Principal, Bansidhar Memorial Girls S.S.School stated that PAO-IX vide file No.129/2018 dated 28.6.2019 has authority for release of payment of Gratuity & Commutation in respect of the complainant. The payments will be made to the complainant shortly.

2.2 It transpired during the proceedings, that complainant is already agitating her grievance against the recovery of arrears from the Gratuity / demotion orders in the Hon'ble High Court of Delhi vide WP(C) No.6411/2019

(CM No.27248/2019). The next date of hearing is fixed for 05<sup>th</sup> July, 2019 in the matter.

2.3. The representatives of the respondent department and the School Authorities assured that with regard to recovery of arrears etc. they would act upon outcome/decision of the matter in the Hon'ble High Court.

2.4 However, the complainant contended that as per the orders of the Hon'ble High Court in "Gurmail Singh Vs. State of Punjab" in CWP No.2967 of 2017 dated 9.1.2019, recoveries cannot be made in case of a retired employee. Further, she has also quoted the judgment of Hon'ble Supreme Court of India in case of State of Punjab & Ors. Vs. Rafiq Masih in C.A. No.11527 of 2014 of 18.12.2014 and various other judgments in support of her contention.

### **3. Directions**

3.1 Now that the respondent department/Pay & Accounts Office,GNCTD, has ordered for payment of Gratuity and Commutation to the complainant and further in view of the fact that the complainant is agitating her grievances with regard to recovery of amount from her Gratuity etc. in the Hon'ble High Court of Delhi, the case is disposed of in the Commission.

3.2 The complainant is also advised to intimate outcome of the matter in the Hon'ble Delhi High Court to the respondent department as well as the Commission.

( MRS. MADHU SHARAN)  
MEMBER

No.PGC/2018/A.II/Edn./21/

Dated:

#### **Copy to :-**

1. The Director, Directorate of Education, Govt. of NCT of Delhi, Old Secretariat, Delhi-110054.
2. The Dy. Director of Education (HQ)/Nodal Officer, Govt. of NCT of Delhi, Old Secretariat, Delhi-110054, to look into the matter personally for its prompt disposal.
3. The Dy. Director of Education, Distt. North, GNCT of Delhi, Lucknow Road, Delhi.
4. The Dy. Director of Education, Distt. Central, Plot No.5, Jhandewalan, New Delhi-110055.

5. Dy.Controller of Accounts(HQ), Dte.of Education, GNCT of Delhi, Old Secretariat, Delhi-110054.
6. The Principal, Arya Girls Sr.Secondary School (ID No.2128078), 12/15, WEA, Raigerpura, Karol Bagh, New Delhi-110005.
7. Ms. Radha Bhardwaj.