

PUBLIC GRIEVANCES COMMISSION
(Govt. of NCT of Delhi)
M-Block, Vikas Bhawan, IP Estate, New Delhi – 110110
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Order under Para 2(B) of the PGC Resolution No F.4/14/94-AR dated 30.7.1998

Date of hearing: 31st July, 2019

Grievance No. PGC/2019/Annex.II/DTC/01

Complainant : Shri Harbhajan Singh-Present

Respondent : Chairman-cum-Mng. Director
Delhi Transport Corporation
Through :-
Shri S.S. Mishra, DM, SPD
Shri Raj Kumar Singh,
Deputy CGM (PGC), DTC
Ms. Archana Punn,
Deputy CGM (Law),DTC

1. Brief Facts of the Case

The complainant has filed a grievance in Public Grievances Commission stating that he had joined the Delhi Transport Corporation as Driver in the year 1983. Due to disability caused by an accident, he was given an alternate post in the year 2000. Later, he was arbitrarily retired by the DTC at the age of 55 (instead of 60). He has requested for granting him benefits of five years service alongwith all consequential benefits. He further stated that all other similarly placed persons, who have also become handicapped during service, have got the benefit of 05 years of service, but he has been denied this benefits despite various decisions of the Supreme Court and Delhi High Court in such cases.

2. Facts emerged during the hearing

2.1 Ms. Archana Punn, Dy. CGM (Law), DTC is present and filed action taken report. The same has been taken on record.

2.2 She further stated that in compliance with the High Court order dated 10.12.1999 passed in WP NO. 3015/99 allowing the complainant Shri Harbhajan Singh to perform the duties of an alternate post in view of the provisions contained under Section 47 of Disability Act, he was deputed to perform duties as Vehicle Examiner.

As per recruitment rules, the retirement age of driver is 55 years. The same is extendable on yearly basis till the age of 60 years subject to his fitness to work as a driver. He was asked to appear before the DTC Medical Board on 19.12.2005 as he was attaining the age of 55 years on 24.12.2005. The DTC Medical Board declared him unfit for retention of service as a Driver and accordingly he was retired from the services after attaining the age of 55 years.

She further stated that being aggrieved, Shri Harbhajan Singh has filed a writ petition in the High Court for retention in service upto the age of 60 years, the age of superannuation for the post of Vehicle Examiner.

The case was transferred to Central Administrative Tribunal and was dismissed by CAT dated 05.06.2009. He filed WP No. 28/10 in the High Court. The Double Bench of the High Court vide order dated 06.01.2010 dismissed the Writ Petition finding no infirmity in the order of the Tribunal.

It was further stated that the Case of Shri Trilochan Singh, Ex Driver /Store Attendant was different from the case of the complainant. Shri Trilochan Singh met with an accident on 22.8.1994 with serious injuries. DTC Medical Board declared him unfit for the post of Driver and accordingly he was retired from the services prematurely on 28.9.1995. He was offered fresh appointment for the post of Store Attendant by Personnel Department which he accepted and joined duty on the new post of Store Attendant w.e.f. 17.12.1996. As per the Supreme Court's order dated 12.01.2016, Shri Trilochan Singh was treated in service till the age of 60 years as Store Attendant.

2.3 Another report has been sent by Depot Manager, DTC, Shadipur Depot, vide No. SPD/PGC/2019/3021, dated 25.7.2019 stating that the complainant has not made any formal request regarding reimbursement of the expenses incurred by him on his treatment in the private hospital in spite of directions of the Commission. In case he submits his request for reimbursement of medical expenses bills, the same will be processed as per the rules of Corporation.

3. Directions of PGC

3.1 The Commission noted that inspite of repeated directions to the complainant to make a formal request to the Chairman-cum-Managing Direction regarding reimbursement of the medical expenses incurred by him on his treatment in private hospital, he did not make a formal request. He is once again advised to make formal request regarding medical claim.

3.2 The Commission heard the submissions of Ms. Archana Punn, Dy. CGM (Law), DTC and perused the report filed by the DTC, the Commission noted that there is no similarity in the case of the complainant Shri Harbhajan Singh and Shri Trilochan Singh, Ex. Driver, B.NO. 16506/Store Attendant. Furthermore, the plea of the complainant was dismissed by CAT and Double Bench of the Hon'ble High Court of Delhi on 5.6.2009 and 6.1.2010 respectively.

3.3 In view of the above, the instant complaint stands closed in the Commission with the advice to the complainant in para-3.1.

(SUDHIR YADAV)
MEMBER(PGC)

Copy to :

1. The Chairman-cum-Managing Director, Delhi Transport Corporation, I.P. Depot, I.P. Estate, New Delhi-110002
2. Ms. Archana Punn, Dy. CGM (Tr.) Law, DTC Headquarters, I.P. Estate, New Delhi-110002.
3. Shri Raj Kumar Singh, Deputy Chief General Manager, Delhi Transport Corporation (Headquarters), I.P. Estate, New Delhi-110002.
4. The complainant Shri Harbhajan Singh