

PUBLIC GRIEVANCES COMMISSION
GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI
I.P. Estate (near ITO), Vikas Bhawan, M-Block, New Delhi-110110
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Order under Para 2(B) of the PGC Resolution No F.4/14/94-AR dated
25.9.97

Date of hearing: 04.11.2019

Complainant : Smt. Leela Tewani.

Respondent : The Director,
Dte.of Education, GNCTD.
Ms. Alka Sehrawat,
Dy.Director of Education, Zone-17,
Ms. Anju Kumari,
Vice Principal, SKV, Paschim Vihar
Sh. P. Harinarayan
Section Officer, DOE(HQ) – Present.

Grievance No. : PGC/2019/A.II/Edn./12

1. Brief facts of the complaint

1.1 Smt. Leela Tewani has filed a grievance petition before Public Grievances Commission aggrieved by denial of promotion to the post of PGT(Hindi) and not taking into account past service by the Directorate of Education. It is stated that having been declared fit by the DPC, the respondent department should have given at least notional, if not regular, promotion from the date her juniors were promoted considering instructions from the Ministry of Finance in this regard.

Further, as regards counting of service in MCD, it is stated that her resignation as Asstt.Teacher was technical in nature. As per MCD Service Book she was relieved and had not resigned for joining as TGT(Hindi) in the Directorate of Education. After receipt of a call from Employment Exchange, she was issued No Objection Certificate by the Competent Authority in the MCD for registration. There are clear instructions and orders for counting of service in such cases.

She has requested the intervention of the Commission in the matter and directions to the Directorate of Education, GNCT of Delhi, for taking needful action in the matter.

2. Facts emerged during the proceedings.

2.1 Shri P. Harinarayanan, Section Officer, E-II Branch, representing the respondent department, is present and filed a report. It is stated that *“On the direction of PGC, the case of Smt. Tewani was put up in a regular DPC held on 02.3.2010 and as per the minutes of the DPC, the said DPC considered her name for promotion but did not recommend her name as she had already retired on 30.09.2006. Further, as per direction of PGC vide letter dated 26.2.2014, Review DPC meeting was held on 15.4.2015 for the said purpose. The Review DPC considered the case of Smt. Leela Tewani and found her fit but in the light of OM dated 12.10.1989 of DOPT did not recommend her name for promotion as she stood retired on superannuation on 30.9.2006 and as such could not join the promotional post. This factum has already been conveyed to PGC vide letters dated 23.6.2015 & 1.10.2015.*

2.2 An action taken report has been filed by Dy. Director of Education, District West-B, GNCTD stating that *“as per observation of DCA, the case of **counting of past services** of Smt. Leela Tewani, Retd.TGT, for the period 03.8.1979 to 29.9.1983 has been thoroughly examined and scrutinized and found that due to non-compliance of necessary formalities prescribed under rules, the service of Smt. Leela Tewani could not be considered:*

(a) Technical resignation at the time of relieving from previous school and keeping lien of two years in the parent organization i.e. MCD.

(b) Non-receipt of pro-rata pensionary benefits from MCD viz. (LS&PC).

(c) Non-submission of option within a period of one year for counting of past services.

In the absence of non-compliance of rules, the request of Smt. Leela Tewani, Retd.TGT. cannot be acceded to.

The case of Promotion in respect of Smt. Tewani has been scrutinized and found that since Smt. Leela Tewani did not apply for inclusion of her name in the eligibility list circulated by DOE in 2005-06 which was mandatory, she was not promoted while her juniors who had applied were promoted. In 2006-2007 again when the Eligibility List was circulated, her name was included in the list of promotion but she retired on 30.09.2006 i.e. prior to holding of DPC on 13.10.2006, the DPC did not recommend her name for promotion.

On the direction of PGC, her case was put up in a regular DPC held on 02.3.2010 and as per the minutes of the DPC, the said DPC considered her name for promotion but did not recommend her name as she had already retired on 30.09.2006. Further, as per direction of PGC vide letter dated 26.2.2014, Review DPC meeting was held on 15.4.2015 for the said purpose. The Review DPC considered the case of Smt. Leela Tewani and found her fit but in the light of OM dated 12.10.1989 of DOPT did not recommend her name for promotion as she stood retired on superannuation on 30.9.2006 and as such could not join the promotional post. This factum has already been conveyed to PGC vide letters dated 23.6.2015 & 1.10.2015.

3. Directions

3.1 In view of the submissions and action taken report filed by the concerned officers of the respondent department, it is noted that the case of the complainant has been thoroughly examined and scrutinized by the respondent department in the light of rules, regulations and guidelines existing in such matters. It is also revealed from the material on record that grievances of the complainant were also heard in the past in the Commission and the Commission was apprised of the facts accordingly by the respondent department from time to time.

3.2 In the light of the above, the case of the complainant is dismissed being without merits. The Commission is also of the view that such grievance petitions should not be entertained in future which have already been examined and scrutinized by the respondent department and further heard and decided by the Commission on the basis of status reports/records submitted by the respondent department.

(MRS. MADHU SHARAN)
MEMBER(PGC)

PGC/2019/A.II/Edn./12/

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 (Zone-17), West-B District, Govt. of NCT of Delhi, GBSSS, G-Block, Vikaspuri, New Delhi-110018.
4. Ms. Anju Kumari, Vice Principal, GSKV, B-3, Paschim Vihar, New Delhi-110063.
5. Smt. Leela Tewani.