

“No carelessness until there is a cure. Wear Mask, follow physical distancing & maintain hand hygiene.”

**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
Website : www.pgc.delhigovt.nic.in E-mail :pgcdelhi@nic.in
Order under Para 2(B) of the PGC Resolution No F.4/14/94-AR dated 25.9.97**

Date of hearing: 19.05.2022

Complainant : Sh. Shri Bhagwan Sharma – Present.

Respondent : The Director,
Directorate of Education,
Govt. of NCT of Delhi
through Ms. Renu,
Dy. Director of Education, District North West (A).

Dr. B.S. Aggarwal, DDE (Zone-9),
District North West (A) – Present.

Grievance No. : PGC/2019/A.II/Edn./25

1. Brief facts of the complaint

1.1 Sh. Shri Bhagwan Sharma has filed a grievance petition before Public Grievances Commission, aggrieved by non-grant of Sr.Scale and pay fixation by Shri Ramesh Chand, H.O.S., GBSSS, Adarsh Nagar No.2, Delhi-33. It is stated by the complainant that he was appointed by the order of Hon'ble Supreme Court on 2.5.1984 and seniority number was also given w.e.f. 2.5.1984 but he physically joined on 22.1.1991. So, he was not awarded Sr.Scale while his batchmates were awarded the same. In this regard, he had submitted a letter to Head of School on 29.8.2017 but he refused to send the file regarding Sr.Scale without accepting a bribe of Rs.50,000/-. After that HOS wrote to DDE, N/W-A for verification of his services at Haryana Govt. Education Deptt. for delaying his case of Sr.Scale. Further, the Dy.Director of Education deputed an Inquiry Officer Sh. V.S. Pandey, Vice Principal, GBSSS, Azadpur. A departmental proceeding was set up and I.O. found no mistake on his part. The report was submitted to DDE, Zone-IX on 11.5.2018. When no action was taken on the said report, he wrote to DDE, Zone-IX, NW-A on 19.7.2018 for grant of Sr.Scale.

Furthermore, he gave another application to DDE(Distt), N/W-A and also personally met both i.e. DDE, Zone-IX & DDE N/W-A but all in vain.

He also contacted Director of Education, GNCTD, on 1.8.2018 and filed a complaint. Director of Education, asked for explanation from DDE/N.W.-A who in turned asked from H.O.S. The H.O.S. GBSSS, gave worse remarks in his Work & Conduct Report deliberately to defer the case, although there is no complaint/no adverse remarks in his ACR/Work Conduct Report till his retirement date.

In this regard, a Committee was constituted by Dy. Director of Education/NW-A comprising of Shri Rajesh Gupta, HOS, GBSSS, Shalimar Village, Smt. Poonam Khanna, HOS, GGSS, Azadpur and Smt. Urmil Sharma, HOS, GGSR Sec. School, Adarsh Nagar No.1, Delhi. It is further stated that no reply was given to the RTI applications filed by him till date and Shri Ramesh Chand, HOS, used to misbehave with him and threaten him of dire consequences.

He has requested for Commission's intervention for direction to the respondent department for taking needful action promptly.

2. **Relevant facts emerging during the hearing**

1. Ms. Renu, Dy. Director of Education, District North West (A) filed an Action Taken Report dated 15.03.2022. The report, in a nutshell, stated that:

"In pursuance of directions of Hon'ble PGC dated 18.04.2022, case of "Sudhir Kumar Atrey vs. Union of India & Others" was examined and found that this case is regarding fixation of seniority while the existing case of Sh. Shri Bhagwan is about not having preceding five years ACR and he has not submitted in service teacher training of 21 days and file was re-submitted to E-III Branch (HQ) who opined that "in the instant matter, the Joint Director (Admn.) has already directed DDE (North West-A) to present and defend the matter on behalf of the department, as the decision for grant of Senior Scale is taken by the Screening Committee at District Level. The cases for grant of Senior Scale are examined at District Level itself and District Authority decides the matter as per rule position."

Further, as far as in-service Teacher training programme is concerned, the Director (Education) had issued a Circular No.11736-795 dated 02.01.2003 mentioned therein that "The teachers, who are in-service and eligible for being given senior scale, will be given the same by imposing a condition that they will undergo the requisite in-service

training by 31.03.2004 positively.” Thus, the in-service training was an essential condition for release of the financial benefit namely Senior Scale.

But, in the instant case, the complainant did not avail this opportunity (in service teacher training) till 31.03.2004. Giving relaxation to one employee while denying same relaxation to others is against the principle of natural justice. Hence, relaxation at this stage could not be considered.

Moreover, the reconstituted DSC has also considered the case in its entirety and then rejected the case for grant of Senior Scale to Sh. Shri Bhagwan, TGT (Retd.) on the above points. It is, therefore, requested that in view of the above analysis, the complaint may be set aside. This issues with the approval of Worthy Director (Education).”

2.2 The complainant stated that he had served in Haryana Government w.e.f. year 1981. In the year 1984, a panel of teachers was appointed by the Dte. of Education, Delhi Government wherein 692 teachers were appointed and rest of the panel was cancelled. He had filed a case against the same in the Hon'ble Supreme Court and appointed by the order of Hon'ble Supreme Court on 2.5.1984. He had tendered his resignation from Haryana Government vide his resignation letter dated 14.12.1990, which is accepted by the Department of Secondary Education, Haryana Government w.e.f. 15.01.1991. Thereafter, he was relieved by the Govt. High School, Government of Haryana w.e.f. 22.01.1991. The complainant stated that he had given one month notice period and thus, worked till 22.01.1991 in the Haryana Government.

3. Directions of the PGC

3.1 In the view of the Commission, the respondent department has been very rigid in the interpretation of the eligibility criteria for grant of Senior Scale to Sh. Shri Bhagwan, TGT (Retd.) i.e. mandatory training of twenty one (21) days for senior scale despite the fact that he has already completed twenty (20) days of training and therefore, being less by just one (01) day in terms of the said mandatory training. Further, the department has cited non availability of above mentioned three ACRs (i.e. for the period from 22.01.1991 to 30.04.1991, 01.04.1991 to 22.03.1992 and 22.01.1993 to 31.03.1993) for not granting senior scale to him. However, as per the complainant, the department has not made any efforts to obtain the same from the school authorities.

3.2 As the department is not ready to relax the requisite eligibility criteria/norms for grant of Senior Scale to Sh. Shri Bhagwan, TGT (Retd.) despite repeated directions by the Commission showing rigid/unflexible attitude and also the fact that the present grievance is lingering on for last two years in the Commission with no scope of conclusion in the near future, the instant grievance cannot be heard any further in this Commission. The complainant is free to approach other appropriate forums for redressal of his grievance.

3.3 With these directions, the case is disposed of in the Commission.

(MADHU SHARAN)
MEMBER

No. PGC/2019/A.II/Edn./25

Dated:

Copy to:

1. The Director, Directorate of Education, Govt. of NCT of Delhi, Old Secretariat, Delhi-110054.
1. Spl. Director of Education/Nodal Officer(PGC), Directorate of Education, Govt. of NCT of Delhi, Old Secretariat, Delhi-110054.
3. Ms. Renu, Dy. Director of Education, District North West (A), Dte. of Education, GNCT of Delhi, BL-Block, Shalimar Bagh, Delhi-110088.
4. Dr. B.S. Aggarwal, Dy. Director of Education, Zone-09, District North West (A), Dte. of Education, GNCT of Delhi, BL-Block, Shalimar Bagh, Delhi-110088.
5. Sh. Ramesh Chand, Vice-Principal, Govt. Boys Senior Secondary School No.2 (ID No.1309125), Adarsh Nagar, Delhi-110033.
6. Sh. Shri Bhagwan Sharma

