

“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
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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: 18.05.2022

Complainant : Sh. Mukesh Kumar Verma – Present.

Respondent : The Director,
Directorate of Education,
Govt. of NCT of Delhi.
Through Ms. Reeta Gupta,
D.D.E. (Zone-XI),
District North West B – I.

Sh. S.S. Jolly, Admin. Coordinator,
Lions Public School - Present.

Grievance No. : PGC/2021/A.II/Edn./25

1. Brief facts of the complaint

1.1 Sh. Mukesh Kumar Verma, has filed a grievance petition before Public Grievances Commission aggrieved by non-payment of salary as per 7th Pay Commission w.e.f. 01.01.2016 till date by Lions Public School, Ashok Vihar I Block Phase-1, Delhi - 110052. The complainant submitted that he was promoted to the post of PGT (Physical Education) in the year 2005. However, the school has not paid salary to him as per 7th Pay Commission which is admissible for the PGT (Post Graduate Teacher). Further, the school has also not given annual increment of the year 2020. He has requested for intervention of the Commission for redressal of his grievance.

2. Relevant facts emerging during the hearing

2.1 Ms. Reeta Gupta, D.D.E. (Zone-XI), District North West B – I filed an action taken report dated 17.05.2022 stating therein that:-

“The concerned office had received a grievance under PGMS No.2021105821 dated 15.09.2021. The above PGMS was forwarded to Lions Public School, Ashok Vihar

vide mail dated 16.09.2021 with the direction to submit ATR but the school has not submitted the reply of the above said grievance.

Reminder was sent to school on 23.09.2021 as no ATR was received from the school within a given time. Further, the complaint was forwarded to DE nominee on 28.09.2021 to inquire in the above matter. As per the inquiry report received from the DE nominee, Show Cause Notice was issued to the school on 21.10.2021 with the direction to grant annual increment and 7th CPC to the applicant.

The reply was received from Lions Public School on 12.11.2021 with request to give some more time for implementation of the 7th CPC. The order by DDE, District North West-B regarding implementation of the 7th CPC etc. was issued to the school on 22.11.2021. Reminder regarding ATR of implementation of the order No.1264-1266 dated 22.11.2021 was sent to the school on 30.11.2021 vide mail.

As per the directions issued by the Public Grievances Commission vide order no.PGC/2021/A/Edn./25/8876 dated 06.12.2021, the order regarding implementation of the 7th CPC has been issued from the Office of the DDE, District North West-B to Lions Public School vide order No.DDE/NWB/PB/2021-22/1310 dated 02.12.2021 and direct the concerned school to submit ATR.

The reminders were sent to school on dated 08.12.2021 and 13.12.2021 as no ATR was received from the school within a given time. Reply was received from the school vide office order No.LPS/F02/063/2021/44 dated 13.12.2021. The school stated that the “issue raised by Mr. Mukesh Kumar Verma are under active consideration by the authorities of the school management committee. However, owing to financial constraint, no incremental increase in the fee structures and also due to lack of appropriate resources, the school authorities and society could not afford the mechanism to meet out the issues.”

The reply received from Lions Public School regarding implementation of order No.DDE/NWB/PB/2021-22/1310 was not satisfactory. The mail regarding implementation of above mentioned order has been sent to school on 14.12.2021 along with direction to submit ATR.

As per the direction by the PGC in its hearing dated 24.02.2022 that “the Deputy Director of Education, District North West-B is advised to give strict warning to the school authorities to release the salary of the complainant failing which, the school will

be served with a notice of de-recognition or any other punitive action, recommended under the rules and regulations of the Delhi School Education Act & Rules (DSEAR).

Further, with the prior approval of the Director (Education) vide UO No. 1607/DE dated 08.03.2022, the concerned DDE NWB(1) has issued warning to the school vide office order no.F.1(1)/DNWB/PB/2022/205-209 on 17.03.2022 to immediately redress the grievance of the complainant and make payment of salary and other admissible allowance as per 7th CPC.

In pursuance of the directions of the Public Grievances Commission dated

23.03.2022, the Deputy Director of Education, District North West B-1, has constituted a committee for carrying out an audit of the school funds to ascertain the availability of the funds with the school in order to ensure that the school shall make payment of salary, other admissible allowance and arrears to its staff as per 7th CPC. The audit team visited the school on 04.05.2022 at 11:20 AM. However, the school was unable to provide records as asked by the audit team. Hence, the Principal of the school was directed to make all records available to the audit team on its next visit i.e. 06.05.2022. The audit team visited the school again on 06.05.2022 at 11:00 AM and inspected records including salary register, cash book, balance sheet, service book etc. The report submitted by the audit team is attached herewith.

It is evident that the school has sufficient funds to pay salary, admissible allowance and arrears to its employees as per 7th CPC. In the light of the facts, the audit team is of the view that the school has sufficient funds to pay salary, admissible allowances and arrears as per 7th CPC to its employees.

Now, therefore, the the Deputy Director of Education, District North West B-1 has issued Show Cause Notice to the school vide office order no. No.DDE/NWB-1/2021-22/427-31 dated 12.05.2022 to the school with the direction to redress the grievance of the complainant and make payment of salary, admissible allowances and arrear as per the 7th CPC prospectively, latest within seven working days from the issue, failing which action of de-recognition of the school or a punitive action under DSEAR, 1973 shall be initiated, without any further notice.

This issues with the prior approval of the DDE/NWB-(1) vide U.O. No.2495 dated 12.05.2022.”

2.2 Shri S.S. Jolly, Admin. Coordinator of Lions Public School was present. He stated that he has been instructed by the School Management to state before the Commission that the present matter is *sub-judice* in Court. However, he did not file any action taken report in writing in support of his verbal submissions.

Shri S.S. Jolly, Admin. Coordinator of Lions Public School was requested to file a detailed action taken report tomorrow i.e. on 19.06.2022 along with relevant documents in support of his submissions that the matter is subjudice before court. He assured to file action taken report on 19.06.2022.

2.3 An action taken report dated 19.05.2022 on behalf of Ms. Neena Singh, HOS, Lions Public School has been received on 19.05.2022 in the Commission. It is stated in the report that:-

“Sh. Mukesh Kumar Verma, an ex-employee of this school had filed grievance in PGC mentioned above. The person has also filed an Appeal No. 20/2022 before Hon’ble Delhi School Tribunal which is sub-judice.

It is also stated in the report that *“he has also filed a writ petition before Hon’ble High Court which is in admission stage. The photocopy of each of the above is submitted which is self explanatory in nature.”*

2.4 The complainant present during the proceeding reiterated that he was a permanent employee of the Lions Public School and have served there for almost 27 years. He is entitled to receive salary as per 7th CPC as revised from time to time by the Government.

3. Directions of the PGC

3.1 Keeping in view the submissions made by Ms. Neena Singh, HOS, Lions Public School, Ashok Vihar I Block Phase-1, Delhi-110052, in her Action Taken Report dated 19.05.2022 that the complainant has filed an Appeal No. 20/2022 before Hon’ble Delhi School Tribunal which is sub-judice and also filed a writ petition before the Hon’ble High Court which is in admission stage, the instant matter is closed in the Commission, being sub-judice in the Court.

(MADHU SHARAN)

MEMBER

PGC/2021/A.II/Edn./25

Dated:

1. The Director, Directorate of Education, Govt. of NCT of Delhi, Old Secretariat, Delhi-110054.
2. Special Director of Education/Nodal Officer, Directorate of Education, Govt. of NCT of Delhi, Old Secretariat, Delhi-110054.
3. Dy. Director of Education(HQ), Directorate of Education, Govt. of NCT of Delhi, Old Secretariat, Delhi-110054.
4. Dy. Director of Education, District North West-B, FU Block, Pitampura, Delhi - 110034.
5. Ms. Neena Singh, HOS, Lions Public School, Ashok Vihar I Block Phase-1, Delhi-110052.
6. Shri Mukesh Kumar Verma