



न्यायालय मुख्य आयुक्त निःशक्तजन
Court of Chief Commissioner for Persons with Disabilities
सामाजिक न्याय एवं अधिकारिता मंत्रालय
Ministry of Social Justice & Empowerment
निःशक्तता कार्य विभाग / Department of Disability Affairs

Case No.375/1028/13-14

Dated:- 21.08.2014

In the matter of:

Dr. Satendra Singh,
Coordinator,
Enabling Unit (for persons with disabilities),
Assistant Professor of Physiology,
University College of Medical Sciences,
Dilshad Garden, Delhi-110095.

..... Complainant

Versus

Delhi University,
(Through Vice Chancellor),
University of Delhi,
Delhi-110007.

.... Respondent No.1

University Grants Commission,
(Through the Chairman),
Bahadur Shah Zafar Marg,
New Delhi-110002.

... Respondent No. 2

Date of hearing : 11.08.2014

Present :

1. Shri Dr. Satendra Singh, Coordinator, Enabling Unit/Asstt. Professor, Complainant.
2. S/Shri V.C. Shukla and Apoorv Kurup, Counsels on behalf of Respondent No.2
2. Shri Sourabh Banerjee, Advocate and Ms. Sushila Suri, Section Officer (UCMS)., on behalf of Respondent No.1

ORDER

The above named complainant, a person with 70% locomotor disability filed complaint dated 08.04.2013 under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to as the Act regarding non-implementation of Gazette Notification by University College of Medical Sciences.

2. The complainant submitted that he is working as Medical Teacher at the Delhi University's constituent College University College of Medical Sciences (UCMS). He stated that it is more than two and half years since the Gazette Notification dated 18.09.2010 was issued by the University Grants Commission but the regulations mentioned therein have not been implemented on medical teachers of UCMS yet. The complainant further submitted that the Executive Council of Delhi

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University in its meeting held on 25.03.2010 honoured the O.M. F. No. A.45012/2/2008-CHS V. Section, dated 29.10.2008 from the Govt. of India, Ministry of Health & Family Welfare, CHS Division on the subject Implementation of the Dynamic Assured Career Progression (DACP) Scheme for the GDMO Sub-Cadre Medical Officer, under the recommendation of the 6th CPC for Medical Officers working in WHS Health Centre. As per the complainant the GDMO, who are only MBBS are thus getting the DACP benefits from DU, but they were being denied the same despite having additional specialist degrees of MD/MS. He submitted that as per 6th CPC 2008, the Scheme Dynamic Assured Career Progression (DACP) for doctors should have been extended to all the Doctors including those working in isolated posts.

3. The matter was taken up with the respondent vide this Court's letter of even number dated 30.09.2013.

4. The respondent vide his letter No. MC/Estab/TS/PF/2013-2014/5749 dated 31.10.2013 stated that they had sent letters to UGC vide letters dated 17.02.2011 and 05.03.2013. They had also sent letters to the Registrar, university of Delhi on 19 and 21 March, 2013 for implementation of the UGC regulation to all the teaching staff. The matter was also placed before the Statutory bodies of the Delhi University in its meetings of Academic Council held on 17.08.2013 and Executive Council held on 18.08.2013. The Principal, University College of Medical Sciences vide letter no. MC/Estab/TS/PF/2013-2014/6354 dated 25.11.2013 stated that they have already written a letter to the Dean of Colleges, University of Delhi and Chairman, Governing Body, UCMS vide their letter dated 15th/17th October, 2013 for constituting a Sub-Committee to examine various issues related to the implementation of UGC Regulation pertaining to incumbent medical teachers of the College.

5. A copy of the respondent's letters dated 31.10.2013 and 25.11.2013 were sent to the complainant for submission of his comments.

6. The complainant vide his letter dated 02.01.2014 submitted that the reply of both the respondents is not satisfactory since the Delhi University failed to implement the gazette notification retrospectively from 2008. The Delhi University honoured the same gazette notification for GDMO at its meeting held on 25.03.2010. The GDMO (who are only MBBS) are getting the DACP benefits from University but they are not given the same benefits despite having additional specialist degrees of MD/MS. The complainant further submitted that an office order MC/ESTAB/TS/PF/2011-12 dated 1.12.2011 only designated them from lecturers to Assistant Professors without changing their grade pay to 6600 which is wrong. The complainant requested this Court to ensure that the rights of medical teachers with disabilities are not infringed/violated in any manner and had also requested this Court to issue strict instruction to apply the Gazette notification retrospectively at the earliest and in toto from 2008.

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7. After considering the written submissions of the respondent and the complainant a hearing was scheduled on 11.08.2014.

8. During the hearing, reiterating his written submissions, the complainant highlighted that a person with disability has to incur more expenditure with the result that he/she is a victim of enhanced suffering. This explains why, according to him, the non-compliance by the Delhi University of UGC's Regulations on Minimum Qualifications for Appointment of Teachers and other Academic Staff in Universities and Colleges and Measures for the Maintenance of Standards in Higher Education, 2010 to be applicable from 2008 is affecting Assistant Professors/Associate Professors with disabilities have to suffer more. He further placed reliance on sub-section (2) of Section 47 of the Persons with Disabilities Act, 1995 and submitted that permission cannot be denied to employ more on the ground of disability.

9. The Ld. Counsel for respondent no.1, namely, the Delhi University submitted that the issue before this Court is with respect to parity which involves the Assistant Professors from the general category as well as the disabled persons, accordingly, this complaint is not maintainable.

10. The representative of the respondent no. 2, namely, University Grants Commission submitted that they have not received the copy of the complaint and also rejoinder filed by the complainant. Though, he added that this forum is not the appropriate forum for the complainant to address his grievance.

11. After hearing out all the parties, it would be in the fitness of things for this Court to observe that while there may or may not be some merit in the complainant's prayer, it does not quite make out a case of discrimination on the basis of disabilities; and, as such, it is purely a service matter, which if the alleged complaint is true, is affecting both the persons with disabilities and persons without disabilities alike. This explains why the complainant may like to approach the appropriate forum, such as the Central Administrative Tribunal to seek redressal.

12. In the above view of the matter, this Court is unable to pass any directions to the respondent.

13. The matter stands disposed off accordingly.

Sd/-

(P.K. Pincha)
Chief Commissioner
for Persons with Disabilities