



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.315/1023/2013

Dated:-30.09.2014

In the matter of:

Ms. Geeta Sharma,
Telephone Operator,
Delhi University,
D-26, Reids Line,
DU Flats,
Delhi-110007.

..... Complainant

Versus

Delhi University,
(Thru Registrar),
University of Delhi,
DELHI-110007.

..... Respondent

Date of hearing : 17.07.2014, 22.08.2014,24.09.2014

Present :

17.07.2014

1. Smt. Geeta Sharma, Complainant with Shri Sunil Kumar.
2. Shri Shiv Ram Singh, Advocate, on behalf of the Respondent.

22.08.2014

1. Smt. Geeta Sharma, Complainant with Shri Sunil Kumar.
2. None on behalf of the Respondent.

24.09.2014

1. Smt. Geeta Sharma, Complainant with Shri Sunil Kumar.
2. Shri Shiv Ram Singh, Advocate, on behalf of the Respondent.

ORDER

The above named complainant, a person with 100% blindness filed a complaint dated 12.08.2013 under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to as the Act regarding harassment by her colleagues and Administration..

2. Smt. Geeta Sharma submitted that she is working as a Telephone Operator in the Telephone Exchange of Delhi University. As per her, she was harassed by her colleague Smt. Geeta Saroj working as Telephone Operator in her department. Smt. Geeta Saroj assaulted her on 22.07.2013

.....2/-

which the complainant says is manipulated by officials of DU Administration. Smt. Geeta Saroj often misbehaves with the persons over phone and many unwritten complaints were registered against her at Vice Chancellor's office and their Telephone Exchange. She submitted that the administration never took any action against Smt. Geeta Saroj. Some written complaints against Smt. Geeta Saroj were also registered at VC office by Yukti Bhola, Dr. Navneet Sehgal and Advocate Ekta Singh. Many complaints were registered against Smt. Geeta Saroj at the DU Telephone Exchange and VC Office. On 12.07.2013, Smt. Sharma requested her Sr. Grade3 Telephone Operator and Section Officer to change duty timings of her Colleague Smt. Geeta Saroj from first shift to second shift, i.e. from 08.00-16.30 to 11.30 to 20.00 hrs. The SGTO and Section Officer told her that the duty hours will be fixed under rotation system. She further submitted that on one Saturday, i.e. 20.07.2013, there was an argument between Smt. Saroj and herself over change of Smt. Saroj's duty hours. Smt. Saroj threatened Smt. Sharma by saying that her husband is a Sr. P.A. of Registrar and nobody can do anything to her and she will get her transferred from North Campus to South Campus. On 22.07.2013, the complainant submitted that while she was narrating the incident that happened on 20.07.2013 to the Section Officer, Smt. Saroj snatched the phone from her and assaulted Smt. Geeta Sharma on her Shoulder. She narrated this incident to her Section Officer but the SO did not listen to Smt. Sharma. Smt. Sharma then approached Shri Jwala Prasad, Assistant Registrar, who also did not listen to her. The complainant submitted a written memorandum at the office of the Registrar of Delhi University on 23.07.2013 but no action was taken on it till date. She prayed this Court that the culprits must be punished by giving six months imprisonment and imposing a huge amount under PwD Act, 1995 and that Smt. Saroj must be physically present during the hearing in this matter.

3. The matter was taken up with the Registrar, University of Delhi vide this Court's letter of even number dated 17.10.2013.

4. The Deputy Registrar-Estab. Vide letter No. Estab.II(i)/2013/302 dated 22.11.2013 submitted that the Assistant Registrar-Telephones obtained the statements of all other staff of the Telephone Exchange and could not prove the alleged assault, as there were no witnesses in the allegation and counter allegation made by the complainant and Ms. Geeta Saroj. An advisory memorandum was issued to both the employees for maintaining harmonious and cordial relations in office. The respondent also stated that the DU Telephone Exchange works in two shifts i.e. 8.00 a.m. to 4.30 p.m. and 11.30 a.m. to 8.00 p.m. There are two female Telephone Operators working both of whom are deputed for the first shift. With regard to the complainant's allegation that Smt. Saroj's husband is working as SPA to the Registrar, he submitted that it is an immaterial fact. He also informed that the husband of Smt. Saroj has since been routinely transferred to the Faculty of law. Regarding promotion, it was submitted that it is an administrative procedure and will be decided accordingly.

5. The complainant vide her rejoinder dated 17.12.2013 submitted that AR Telephone Shri Jwala Prasad put pressure on her to withdraw the case. He also shielded Smt. Geeta Saroj. He also did not

forward her complaint to the concerned officials on time. The respondent did not entertain the five complaints filed from persons from outside the University. One Dr. Navneet Sehgal who filed a complaint against Smt. Saroj during the month of June 2013, was transferred from Registrar's office present at the time of the incident. The complainant's contention is that if the responsible officer was not available at the time of the incident, how can the AR Telephone can issue memorandum with false allegations. The complainant prayed to this Court to physical presence of employees alongwith AR Telephone in the Court. She also submitted that the Delhi University administration is trying to eyewash and shielding Smt. Geeta Saroj by hook and crook.

6. Upon considering respondent's letter dated 22.11.2013 and complainant's rejoinder dated 17.12.2013, a hearing was scheduled on 17.07.2014.

7. During the hearing on 17.07.2014, Shri Sunil Kumar, who accompanied Smt. Geeta Sharma, the complainant submitted that harassment of the complainant in this case has amply been proved by the documentary evidence submitted by the complainant vide her letter dated 19.11.2013 which includes her letter dated 30.08.2013 addressed to Registrar, Delhi University regarding her physical and mental harassment and conspiracy to harm her service interest and also includes communications about Smt. Geeta Saroj Poti provoking other employees who are working with complainant, the names of 5 complainants viz. (1) Yukti Bhola, (2) Navneet Sehgal, (3) Advocate Ekta Singh, (4) R.K. Pandey and (5) Bharti, who filed their written complaints with DU Administration against Smt. Geeta Saroj Potty and the copy of the complainant's letter dated 27.08.2013 in response to Memorandum dated 20.08.2013 issued to her by the Assistant Registrar for being absent on 20.08.2013 despite the fact that she was on leave on that particular day. The complainant replied to the Memorandum dated 20.08.2013 and 12.11.2013. However, it is observed that the letter dated 19.11.2013 of the complainant has not been found placed in their file. The complainant has been advised to submit the copies of the documents with a copy to the Ld. Counsel for the respondent. Shri Sunil Kumar also submitted that the University has issued Memorandum also to those employees who are friendly to Smt. Geeta Sharma and submitted copies of all the Memos issued to Ms. Reena an Unskilled Labourer. The complainant stated that the University has changed the working hours for Telephone Exchange from 9.00 AM to 5.30 P.M. The complainant further submitted that Smt. Geeta Saroj and Assistant Registrar (Telephone) (Shri Jawala Prasad) may also be summoned on the date of next hearing.

8. The Ld. Counsel for the respondent submitted that he has not received the relevant papers being referred to by the complainant and, therefore, requested that a copy of complete set of papers may be given to him.

9. It is observed that in her original complainant dated 12.08.2013, Smt. Geeta Sharma made the following prayer:-

“Kindly pass an order on those conspirators (S.O. and A.R.) and culprit Smt. Geeta Saroj (mailing address of Smt. Geeta Saroj, Telephone Operator, Telephone Exchange, university of Delhi, Delhi-110007) must be punishing for six months imprisonment and impose a huge amount under PwD Act, 1995. Smt. Saroj must be physically present during hearing this matter that we may get many facts from her own tongue. Post of Monitor must be reinstated as it was. Senior Grade Telephone Operator/Monitor/Section Officer must be present during working days of Telephone Exchange room from Monday to Saturday and time 08.00 to 20.00. If there any mis-happening occurred these employees will be responsible and punishable.”

10. As far as the prayer to change the working hours of Telephone Exchange is concerned, the same has been resolved by the University as stated by the complainant. With regard to the prayer to punish Smt. Geeta Saroj with six months imprisonment and penalty, the provision in Section 69 of the Persons with Disabilities Act, 1995 provides, “Whoever, fraudulently avails or attempts to avail, any benefit meant for persons with disabilities, shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to twenty thousand rupees or with both.” Thus, this prayer of the complainant is not covered under the provision of the Act. It is further observed that there is no penal provision in the Act and, therefore, this prayer of the complainant cannot be entertained by this Court.

11. However, the question whether the complainant indeed being harassed by the concerned authority/colleagues, needs to be looked into after examination of the relevant papers that complainant would submit as advised in para 1 and 2 of this Record of Proceedings and on receipt of response from the respondent.

12. In the above view of the matter, the complainant is directed to hand over a complete set of all the papers supporting her contention to this Court which was photo copied and a copy thereof was given to the Ld. Counsel of the respondent on the date of hearing.

13. The respondent-University is directed to submit its response, if considered necessary, and appear before this Court on 22.08.2014 at 04.00 P.M. alongwith all relevant documents and staff/employees who, it feels necessary. It is also observed that 2 complaints concerning Geeta Sharma have already been disposed of by this Court. The relevant files be kept tagged with this case.

14. On 22.08.2014, None appeared for University of Delhi as directed vide Record of Proceedings dated 04.08.2014 nor the University submitted its response to the papers handed over by the complainant to the Ld. Counsel, Shri Ram Singh, Advocate who appeared on behalf of the University of Delhi on 17.07.2014.

15. This Court has taken a serious view of the fact that the respondent neither entered personal appearance nor asked for time, nor even submitted response as stated above, for which the Ld. Counsel had sought time in the course of the last hearing.

16. Taking forward her written submissions, the complainant informed this Court that she has since been transferred from the Telephone Exchange of University of Delhi to its Equal Opportunity Cell where no post of Telephone Operator exists and hence, no work for the complainant. This, the complainant added, is yet another example of the kind of harassment meted out to her. In this context, the complainant also referred to notings dated 12.03.2010 in the respondent's file, as per which, the complainant has been appointed as Telephone Operator and, therefore, she can only be retained in the Telephone Exchange. The complainant further submitted that she has submitted a representation dated 04.08.2014 to the Pro Vice Chancellor, University of Delhi, which has not yet been decided.

17. In the above view of the matter, the respondent is directed to submit its response as directed vide Record of Proceedings dated 04.08.2014 and also take a decision on the representation of the complainant dated 04.08.2014 within three weeks from the date of receipt of this Record of Proceedings. The respondent is further directed to be present in the next hearing on 24.09.2014 at 3.00 P.M. alongwith all documents and staff/employees whose presence is relevant to this case.

18. During the hearing on 24.09.2014, reiterating her written submissions as envisaged in the papers filed till date with this Court, the complainant objected to the fact that the respondent has failed to comply with the directives of this Court contained in the RoP dated 29.08.2014 in as much as the respondent neither deputed the concerned staff/officers alongwith the legal Counsel nor filed any response to her representation dated 04.08.2014. She highlighted that there exists no post of Telephone Operator in the Equal Opportunity Cell of the Delhi University where she has been transferred nor there is any work worth the name there. There is only one telephone instrument. The complainant further expressed the apprehension that the act of transferring her to a place where there is no work, is a part of well thought out of conspiracy of the respondent to remove her from service in due course. This explains why she urged upon the Court to pass appropriate order to remove her grievances.

19. The Ld. Counsel for the respondent refuted the allegations of the complainant and stated that the complainant was transferred as she was having inter-personal problems with one Ms. Geeta Saroj. Thus, the Ld. Counsel stated that the transfer was made as a part of the respondent's effort to ensure that the complainant does not feel harassed. The Ld. Counsel further stated putting her back to the Telephone Exchange may result in the same inter-personal wrangling which had happened in the past.

20. After hearing out both the parties and keeping in mind the observations and directions of this Court contained in RoP dated 04.08.2014 and RoP dated 29.08.2014 respectively, this Court has noted with concern that the respondent-University, despite directions from this Court contained in the RoP dated 29.08.2014 has so far failed to take appropriate action and respond to the representation of the complaint dated 04.08.2014 within three weeks from the date of issue of this

Order. It is also a pity that despite orders of this Court vide RoP dated 29.08.2014, the respondent did not depute staff/official who is conversant such matter alongwith legal representative for the hearing.

21. Be that it may, it would be quite in context to also observe that the complainant has been transferred within the precincts of the University itself. Whether the said act of transfer is in accordance with the prevailing norms or not, is something which this Court would like the respondent-University to examine and take appropriate action accordingly.

22. In the above view of the matter, the respondent-University is hereby directed to respond and take appropriate action on the complainant's representation dated 04.08.2014. Regarding the complainant's allegations of harassment, the Registrar and the Nodal Officer for persons with disabilities, Delhi University may conduct a joint inquiry and ensure appropriate action thereafter depending upon the outcome of the said inquiry within three weeks from the date of receipt of this order. The respondent-University is also directed to look into the inconvenience, if any, caused to the complainant owing to console/Board at Telephone Exchange, Main Campus being allegedly unfriendly.

23. Action taken in respect of above directions be intimated to this Court within one month from the date of receipt of this order.

24. The matter stands disposed off accordingly.

Sd/-

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