

Govt. of India
National Commission for Minorities
Lok Nayak Bhawan, Khan Market, New Delhi-3

Petitioner: Shri Rahisuddin, JLA 76, Delhi Public Library

Respondent: Director General, Delhi Public Library

File No. M/DL/20/0073/11

The Bench of the NCM meeting on 06.07.2011 consisted of:

- i. Shri Wajahat Habibullah, Chairperson
 - ii. Dr. H.T. Sangliana, Vice Chairperson
 - iii. Shri H.S. Hanspal, Member
 - iv. Smt. Syeda Imam, Member
 - v. Shri K.N. Daruwalla, Member
2. Joint Secretary and Legal Officer assisted the bench.

Brief record of hearing held in the Conference Room of the National Commission for Minorities held on 6.07.2011 at 04.00 P.M.

Present:

- I. Shri Rahisuddin, JLA-76, Delhi Public Library, H-Block, Near Main Market, Sarojini Nagar, New Delhi-110023.
 - II. Dr.(Mrs.) Anjana Chattopadhyay, Director General; Shri H.R. Meena, Vigilance Officer, Delhi Public Library, S.P. Mukherjee Marg, Opp. Old Delhi Railway Station, Delhi-110006.
3. Petitioner Shri Rahisuddin, JLA-76, Delhi Public Library submitted that he was posted with the Director, DPL under the department order dated 25.03.2010, a copy of which he placed before the Commission. The said order still subsists and he is accordingly attending duty with the Director regularly. But the DPL has stopped his salary from Feb. 2011 despite representations. The department instead of releasing his salary handed him a memo dated 24.01.2011 and 23.02.2011 on 14.03.2011.
4. Dr. (Mrs.) Anjana Chattopadhyay, Director General, DPL submitted that on the recommendation of M.C. Gupta Committee, she joined Delhi Public Library on 01.06.2010. Prior to her appointment as Director General of DPL, Dr. Banwari Lal, Director was the Head of the Department. The statutory power of

the erstwhile Head of the Department, Director, DPL had been transferred to the Director General, who has therefore replaced the erstwhile Director. Consequently the Director, DPL was transferred from Central Library to Zonal Library, Sarojini Nagar vide order dated 08.11.2010. The Director was given the choice to name the staff he wished to take with him and an order based on his request was issued and staff transferred. At no point did Dr. Banwari Lal place on record any request for the services of Shri Rahisuddin, JLA. On 03.01.2011 the Director asked for two more staff, but here again he did not ask for Shri Rahisuddin. DG also stated that the complainant attended D.G.'s office till 03.12.2010 and thereafter he stopped attending his station of duty. The DPL issued office orders through speed post on his residential address but the same were returned with the remarks 'refused to accept'. DG further submitted that Shri Rahisuddin was given the office orders on 14.03.2011 by hand when he reported for Hindi training. However, Shri Rahisuddin did not reply to the memo nor reported for duty at the Central Library. She also stated that on receipt of the representation from NCM she had decided to release the outstanding salary but Shri Rahisuddin did not report to the Central Library to collect the same. She further submitted that this is gross disobedience of an employee and it is not conducive to maintain discipline in the organization.

5. The petitioner in his rebuttal submitted that the address mentioned on the letters dated 24.01.2011 and 23.02.2011 were wrong and the DPL could have given him a copy at his place of work at the Zonal Library as they were aware of this fact. He could not produce any written document to show that he had replied to the office order served on him on 14.03.2011 calling for his explanation on his absence, except to reiterate that he was simply complying with his orders of posting. He also referred to a noting of Dr. Banwari Lal, Director, of 16.5.'11 on his application for leave, in which the latter has observed, "Therefore it is not understood as to why such things are being done to our employee who is obeying orders. Keeping in view above, Shri Rahisuddin JKLA is Group 'D' employee and his salary from Feb 2011 onwards may be released immediately"

Discussion:

6. The Commission after hearing both the parties was view of that there appeared to be a dispute was between two senior officers and petitioner who is a peon had become a victim. The Commission asked the petitioner to report at the office of the Director General in Central Library and receive his salary. The Commission also advised the petitioner that his original orders were issued when Director was head of the Library. That position changed with the appointment of DG, and the peon's duty was to remain at his post till ordered otherwise. This should have been clarified to him by the Director with whom he was working, who has instead misguided him as is clear from the noting of 16.5.2011 quoted above. He was nevertheless advised to be careful and abide by the order of his D.G.

Decision notice:

7. The Commission recommended that DPL in view of the peculiar circumstances of the case will release the salary of the petitioner. The absence of the petitioner at the Central Library may be decided sympathetically in view of his continually attending duty at the office of the Director, under the mistaken impression that he was so posted. Subsequent to the hearing we have been informed by the petitioner that he has joined in DPL as advised

Sd/-
(Wajahat Habibullah)
Chairperson

Sd/-
(Dr. H.T. Sangliana)
Vice Chairperson

Sd/-
(H.S. Hanspal)
Member

Sd-
(Syeda Imam)
Member

Sd/-
(K.N. Daruwalla)
Member