न्यायालय मुख्य आयुक्त दिव्यांगजन
COURT OF THE CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES(DIVYANGJAN)
दिव्यांगजन सशक्तिकरण विभाग/**Department of Empowerment of Persons with Disabilities (Divyangjan)**
सामाजिक न्याय और अधिकारिता मंत्रालय/**Ministry of Social Justice & Empowerment**
भारत सरकार/**Government of India**
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Case No. CCPD/ 13587/1024/2022

In the matter of:

Shri Naveen Kumar **…Complainant**

Versus

The Commissioner,
Navodaya Vidyalaya Samiti **...Respondent**

1. Gist of the Complaint:

1.1 Naveen Kumar, who is 85% locomotor disabled, lodged a complaint on 27/11/2022 against the school administration regarding unjust deduction from his salary and non-payment of other allowances. He stated that he was working as a PGT (Physics) at Navodaya Vidyalaya, Jaswantpura, and had submitted his resignation in due procedure on 15/10/2022 and also obtained No Dues from all departments of the school. Despite this, the school administration deducted ₹8600 from his October salary on the pretext of compensating for items stolen from the Atal Lab. The complainant has requested that his pending salary and remaining allowances be paid to him.

2. Notice issued to the Respondents:

2.1 In exercise of the powers conferred under Rule 38(2) of the Rights of Persons with Disabilities Rules, 2017, read with Sections 75/80 and 82 of the Rights of Persons with Disabilities Act, 2016; a notice dated 02.01.2023 was issued to the Respondent to furnish their comments on the complaint and place on record supporting documents and justifications.

3. Reply Filed by the Respondents:

3.1 The Respondent, Assistant Commissioner, NVS, vide their letter dated 06.02.2023 has filed the reply and submitted that some items were lost from Atal Lab while the Complainant was working as PGT (Physics) in JNV, Jalore, Rajasthan.

3.2 The Respondent further submitted that being the in-charge of Atal Lab, an amount of ₹ 8600/- was withheld from his salary towards the cost of lost items. Consequent upon his selection in the Delhi Sub-ordinate Service Selection Board, the Complainant was relieved from JNV, Jalore on 15.10.2022. A Committee at the Vidyalaya level was constituted to inquire into the lost items. On inquiry, items of ₹1530.00 were found and the rest amount was recovered from the guardians of erring students. The withheld amount of ₹ 8600/- of the Complainant was refunded to his account by the Principal, JNV Jalore, Rajasthan through PFMS on 18.01.2023.

3.3 The Respondent requested to close the Complaint.

4. Rejoinder filed by the Complainant:

4.1 The Complainant filed a rejoinder dated 10.03.2023 and submitted that the deducted amount of ₹ 8600/- has been credited to his account but the following other allowances are still unpaid by the Navodaya Vidyalaya:-

i. Arrear of increased DA for the year 2022.

ii. Settlement sheet (document) for the balance amount given for induction course.

iii. Amount of Samiti contribution towards NPS for October 2022.

iv. Children's Education Allowance statement.

5. Hearing (I):

5.1 An online hearing was conducted on 18.12.2023 wherein the following parties/representatives were present:

(1) Shri Naveen Kumar, Complainant

(2) Shri Rajesh Chelle, Asst. Commissioner, HQ, NVS for Respondent

(3) Shri S K Maheshwari, Dy. Commissioner, RO, NVS, Jaipur for Respondent

5.2 The Complainant, Naveen Kumar, stated that he served in NVS for two years and requested the issuance of an experience certificate so that his service could be counted by DSSB for seniority and pay protection. He also submitted that certain dues, including arrears of increased DA and Children's Education Allowance, were still pending. The respondent contended that all dues had been cleared at the time of relieving and assured that any remaining issues would be resolved soon. After hearing both parties, the Court directed the respondent to fix responsibility for the delay, clear all pending dues, and issue the experience certificate within one week. If the request is not in accordance with rules, the Respondent must pass a reasoned order and inform the Court, with further hearing to be scheduled if necessary.

6. Hearing (II):

6.1 The Case was scheduled for hearing on 30.04.2026;

6.2 The Complainant, Mr. Naveen Kumar, submitted that his primary grievance remaining in the matter pertains to the non-recognition of his resignation as a technical resignation. He stated that he had applied for another government post through the proper channel after obtaining the necessary permission from his employer and had served Navodaya Vidyalaya Samiti (NVS) from September 2020 to October 2022. According to him, his movement to another government department fulfilled the requirements for treating his resignation as a technical resignation. Although he acknowledged that the deducted amount of ₹8,600 had been refunded and that he had received both the relieving order and the experience certificate, he contended that the relieving order did not record his resignation as a technical resignation. He submitted that the issuance of a technical resignation certificate or a relieving order reflecting the same was essential to enable continuity of his past service in his present government employment, thereby allowing him to avail benefits relating to seniority, pay protection, and other consequential service benefits.

6.3 The Respondent, represented by the Sh. K.C. Sahoo, Section Officer, Navodaya Vidyalaya Samiti, submitted that the amount of ₹8,600 deducted from the complainant's salary had already been refunded through PFMS and that an experience certificate as well as a relieving order had been issued to him. The respondent contended that the complainant was not entitled to be granted the benefit of technical resignation because he had resigned during his probation period. It was further explained that although the complainant had completed approximately two years of service, his probation had not been formally declared complete as the Departmental Promotion Committee had not confirmed his services. The Respondent also relied upon an NVS circular issued in May 2022, which, according to the respondent, required an employee to complete five years of service before resigning for outside government employment in order to claim the benefit of technical resignation. Since, the complainant had not fulfilled this requirement, the Respondent maintained that his resignation could not be treated as a technical resignation.

6.4 The Court observed that the monetary dispute regarding the refund of ₹8,600 had already been resolved and that the only issue requiring consideration was whether the complainant was entitled to have his resignation treated as a technical resignation. During the proceedings, the Court questioned the Respondent regarding the legal basis of the requirement of five years' service and sought clarification as to whether such a condition backed by any statutory rule or merely from an internal circular. The Court observed that the dispute essentially concerned the Respondent's refusal to recognise the resignation as a technical resignation and held that such refusal must be supported by the applicable rules or circulars.

7. Observations and Recommendations:

7.1 The Court observes that the Complainant's original grievance regarding the deduction of ₹8,600 from his salary has been redressed, as the respondent has refunded the amount through PFMS. The experience certificate and relieving order have also been issued to the complainant. Consequently, the dispute now survives only with regard to the complainant's request for recognition of his resignation as a technical resignation, which he claims is necessary for continuity of service and consequential service benefits in his present government employment.

7.2 The Respondent has relied upon an internal circular prescribing completion of five years of service as a condition for treating a resignation as a technical resignation. However, despite being afforded an opportunity, the respondent has not demonstrated whether the said condition emanates from any statutory rule, Government of India instructions, or any binding service regulation applicable to the complainant. In matters affecting service rights of a government employee, an administrative decision must be supported by a clear legal provision and cannot rest merely on an unsupported assertion. Therefore, the respondent is required to examine the complainant's claim strictly in accordance with the applicable statutory rules and Government instructions governing technical resignation.

7.3 The issue pertaining to the recognition of the Complainant's resignation as a technical resignation has been raised subsequently during the course of the proceedings and does not form part of the original cause of action or the reliefs sought in the complaint. Accordingly, the Court is of the view that the matter of technical resignation constitutes a fresh service-related grievance, which cannot be adjudicated at this stage in the present proceedings. The Complainant is, however, at liberty to pursue the said grievance before the appropriate authority/forum in accordance with law.

8. Accordingly, the case is disposed of.

Digitally signed by
S Govindaraj
Date: 23-07-2026
16:04:07

(S. Govindaraj)
Commissioner for Persons with Disabilities