

In the Court of Commissioner for Persons with Disabilities
25- D, Mata Sundari Road, Near Guru Nanak Eye Centre, New Delhi-2
Phone-23216002-04, Telefax: 23216005

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[Vested with power of Civil Court under the Persons with Disability (Equal Opportunity, Protection of Rights and Full Participation) Act, 1995]

Case No. 4(799)/2014-Wel./CD/ 2141-45

Dated: 26.12.14

Case No.4(599)/2014-Wel./CD

Case No.4(760)/2014-Wel./CD

In the matter of :

Ms.Mina Mishra
E-671, Gali No.9,
West Vinod Nagar
Delhi-110092

Md.Siraz Ahmed
1/3895, Bhagwanpur Khera
Shahdara, Delhi-110032

Mr.Aas Mohammad
P-4/668, Sultan Puri
New Delhi-110086

..... Petitioners

Versus

Smt.Debashree Mukherjee
Chairman-cum-MD
Delhi Transport Corporation
Head Quarter Ring Road
I.P.Estate, New Delhi-110002

Sh. Gyanesh Bharti
Commissioner
Department of Transport
Government NCT of Delhi,
5/9, Under Hill Road,
New Delhi-110001.

..... Respondents

ORDER

1. Ms.Mina Mishra, Md.Siraj Ahmed and Mr.Aas Mohammed three disabled persons filed representations separately stating that the concerned officers of the Department of Transport are not granting them licence to work as conductors in Delhi Transport

Corporation. It has also been stated in the representation that around 60 disabled persons are already working as conductors in Delhi Transport Corporation and it is only in their cases such a licence has been denied.

2. The Department of Transport was asked to file their comments on the representations and since comments were not satisfactory hearings were held. The representative of the Delhi Transport Corporation informed that the Board of the Corporation vide Resolution no.47/2011 with Item No.44/2011 had decided to relax the medical standards for disabled persons and issued a circular on 9.6.2011. A requisition was sent to the Directorate of Employment to sponsor the names of persons with disabilities in 2010 and 2013 and in response thereto 50 + 231 candidates with persons with disabilities were sponsored for the post of Conductor on short term contract in Delhi Transport Corporation and 59 candidates (persons with disabilities) were found eligible for the post of Conductor on short term contract under relaxed medical standards. They were engaged as Conductors on short term contract and since the matter relating to renewal of license for the post of Conductor for persons with disabilities pertains to the Department of Transport Government of NCT of Delhi; Delhi Transport Corporation has no role in issuing the requisite licenses.
3. In the reply filed by the Department of Transport it has been stated that the Department is not in a position to grant licenses to disabled persons for working as conductors in Delhi Transport Corporation as Section 30 of Motor Vehicles Act read with rule 11, 17 and proviso (cc) to rule 95 of Delhi Motor Vehicles rules, 1993 and Permit conditions do not provide for any provision for issuing conductor license to disabled persons. As per the extant rules the person applying for license for the post of conductor is required to submit a medical certificate in form M.C.Con. duly certified that the person is physically fit to perform the duties of the conductor. The matter was examined after notices for the cases being heard in the Court of Commissioner for Persons with Disabilities were received and it is opined that a physically disabled person may not be able to efficiently discharge the duties prescribed in rule 11 and 17 of Delhi Motor vehicles Rules, 1993 and the Permit Conditions. The Department has further stated that **Quote** "Chapter-III of Motor Vehicles Act, 1988 deal with Licensing of Conductors of State Carriages. The qualifications and requirement for grant of Conductor License is prescribed u/s 30 of the Motor Vehicles Act and sub section (2) of section 29 empowers the State Government to prescribe the conditions for Conductor License. The Government of NCT of Delhi has made a rule called Delhi Motor vehicles rules, 1993 under section 67 of the Motor Vehicles Act 1988 to control road transport. The Chapter -III of Delhi Motor Vehicles rules deals with licensing of Conductors of Stage Carriages. The qualifications, duties, functions and

conduct of conductors is prescribed under rule 17 of Delhi Motor Vehicles 1993. Under duties and functions of Conductors sub-rule 6(i) of rule 17 states that a Conductor shall be jointly responsible with the Driver in performance of their duties and functions as given in rule 11 of DMVR 1993. The proviso (cc) of rule 95 of DMVR 1993 states that a seat for the Conductor need not be provided in the State Carriage running exclusively within the National Capital Territory of Delhi. The Transport Department Delhi vide Dy. Secretary STA order no. F.10(86)/AS/STA/Order/Tpt./12/182 dated 5.11.2014 has made Permit conditions for protecting rights of persons with disabilities/senior citizens/freedom fighters/war widows (published vide public notices in leading newspapers) has made that the crew (driver and conductor) wherever applicable shall assist and extend all possible help to disabled persons trying to board in and out of bus. Chapter -III of Motor Vehicle Act 1988 and Rules 11 and 17 of Delhi Motor Vehicles rules 1993 and Permit Conditions are preventing Transport Department from granting a Conductor License to a disabled person." **Unquote.** The representative of the Department of Transport filed a copy of the letter written by the Deputy Commissioner (Operations) to the Director (Road Transport) Ministry of Road Transport and Highways transport Bhawan with a request to take appropriate action on priority.

4. I have carefully perused the representations; replies filed by the representatives of Delhi Transport Corporation and the Department of Transport Government of NCT of Delhi. The facts of the case are that in pursuance of the notification issued vide No.16-70-2004-DD.III dated 15.3.2007 by the Ministry of Social Justice and Empowerment Government of India the Delhi Transport Corporation vide letter no. PLD-III (Misc) / Med.Std./ 2011/ 1593 dated 9.6.2011 prescribed medical standards for persons with following disabilities for appointment as Conductors in DTC : OA (One Arm), OL (One leg), BL (Both legs), MW (Muscular weakness and limited physical endurance), HH (Hearing handicapped), provided mobility and bilateral hand activities of the persons should be adequate with functionally trained with suitable aids and appliances as the work is mostly performed outside and usually alone. It is a piquant situation as the Corporation (DTC) working under the Department of Transport recruited around 60 persons with disabilities as conductors by relaxing medical standards as the officers of the Department of Transport also granted licenses for the post of conductor and now the Corporation (DTC) is not extending the contract of some of the Conductors (Persons with Disabilities) as the licenses are not being renewed/granted by the same officers of the Transport Department as they became aware of the Rule position. The contradiction in the rules needs therefore to be corrected as many persons with disabilities are not clear whether they would get

employed as Conductors. The representative of the Department of Transport was requested to expedite the decision with a view to removing the contradiction in the rules etc.

5. Ordered accordingly.

Given under my hand and the seal of the Court this 26th day of December, 2014.



K.S. Mehra

(K.S. Mehra)
Commissioner

Court of Commissioner (Disabilities)
National Capital Territory of Delhi
Room No. - 1
25-D, Mata Sundari Road, New Delhi-02