

121

In the Court of Commissioner for Persons with Disabilities
National Capital Territory of Delhi
25- D, Mata Sundari Road, Near Guru Nanak Eye Centre, New Delhi-2
Phone-23216002-04, Telefax: 23216005
[Vested with power of Civil Court under the Persons with Disability (Equal
Opportunity, Protection of Rights and Full Participation) Act, 1995]

Case No. 4//1563/2017-Wel./CD/ 3675-76

Dated: 02/01/18

In the matter of:

Sh. S.Natarajan

Surbhi, Akamkudi P.O.,
Nagiarkulangara(via)
Haripad, Alappuzha Distt.
Kerala-690513

..... Petitioner

Versus

The Medical Superintendent

Guru Nanak Eye Centre
Maharaja Ranjit Singh Marg
New Delhi -110002

.....Respondent

Date of Hearing: 12.12.2017

ORDER

The above named complainant vide his complaint dated 03.01.2017 submitted that his wife Ms. T. Gopa Natarajan retired as ANS w.e.f. 30.09.2004 from Guru Nanak Eye Centre, Government of NCT of Delhi. Her PPO No. is 702250-4-02194 dated 30.12.2014. She expired on 30.12.2014 and the complainant is getting family pension. He further submitted that as per the Government orders the permanently disabled son/daughter of a pensioner is eligible for family pension on the death of pensioner even after the marriage of siblings. His son, Sh. Prasant Natarajan age 39 years has 40% permanent disability due to cerebral palsy as per the certificate of LNJP Hospital, New Delhi and T.D. Medical College and Hospital, Allepuza, Government of Kerala which were forwarded to the Sr. Accounts Officer, Special Cell, CPPO, Trikoot-2, Bhikaji Cama Place, R.K. Puram, New Delhi on 3rd May, 2016 for grant of family pension to his son after he is no more. The request was forwarded to LNJP Hospital. Lastly, Administrative Officer, Guru Nanak Eye Centre, vide letter dated 29.10.2016 directed the complainant to personally visit his office with the relevant documents. The complainant intimated him his inability to personally visit as he was 76 years old vide his letter dated 10.11.2016. As he did not receive any

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

communication, he requested this court to intervene and direct the concerned authorities to take necessary action. The complaint was thus taken up with the respondent vide communication dated 18.09.2017.

2. The respondent vide letter dated 11.10.2017 informed:

Quote: "With reference to your case no. 4/1563/2017-WEL/CD/1894-95 dated 18.09.2017 issued by Dy. Commissioner, State Commissioner for Persons with Disabilities. In this regard it is to inform you that the case regarding grant of family pension to permanently disabled son of pensioner on her/his death dealt in this office. Further it is also inform that this case has already been sent to Pay & Accounts Officer (Technical Cell), Central Pension Accounting Office, Government of India, Trikot-2, Bhikaji Cama Place and Dy. Controller of Accounts (Technical), Principal Accounts Office, Vikas Bhawan, ITO for clarification that pension will be granted to son of diseased person that is T. Gopa Natarjan (copy enclosed)". **Unquote**

3. As per reminder dated 06.10.2017 sent by the respondent to PAO (Technical Cell), CPAO, Government of India, CPAO was requested to clarify whether family pension to permanently disabled son of the complainant on his death can be given without Doctor's medical certificate that he is not able to earn his livelihood.

4. A hearing was scheduled on 12.12.2017. During the hearing, the representatives of the respondent submitted that they had informed the complainant to submit a certificate as required under Rule 54(6)(iv) of CCS (Pension) Rules, 1972 which requires that the medical Board of a Government Hospital should certify that his son is not able to earn his livelihood vide letter No. F. (54)/GNEC/Pension/Ex-ANS/2016/6441 dated 11.10.2017. The said certificate has to be obtained from Medical Board of a Government Hospital of NCT of Delhi. The complainant was also very clearly informed that on receiving the said certificate, family pension to his disabled son would be processed. However, they have not received any medical certificate from the complainant so far. They further submitted that they had also written to the Pay and Accounts Officer (Technical Cell), CPAO to clarify whether life time pension can be granted to a permanently disabled son of pensioner on his death irrespective of whether he is able to earn his livelihood. CPAO vide their letter dated 16.11.2017 has informed that medical certificate is a pre-requisite for grant of family pension to permanently disabled child. A copy of the letter dated 10.06.2017 to the complainant and CPAO's letter dated 16.11.2017 were taken on record during the hearing.

5. The complainant vide his e-Mail dated 08.12.2017 informed that he is not able to attend the hearing in Delhi. He also mentioned that his Department namely Ministry

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

of Defence, has already sanctioned family pension to his disabled son Sh. Prasant Natarajan based on the medical certificate which was submitted to the respondent.

6. Sh. Chandrababu a friend of the complainant was contacted on his telephone which was shared by the respondents during the hearing. He was informed about the need to submit the medical certificate under Rule 54 of the Pension Rules, 1972 to enable the competent authority to take a considered view and was requested to convey to the complainant to submit the requisite certificate to the respondent.

7. Later on, the complainant also telephoned and he was advised to get the certificate as required under the relevant pension rules and submit the same to the respondent at the earliest. In response, the complainant vide his letter dated 14.12.2017 informed that TD Medical College, Medical Board has clarified verbally that they have a set language for issue of Medical Certificate and they cannot issue a medical certificate as dictated by his Department. He has further stated that he is permanently residing in Allapuzha District, Kerala and cannot approach other medical board as, according to Kerala Government orders, one has to approach the medical board of the concerned district where the individual is permanently residing. The complainant has also enclosed an attested copy of the certificate of disability dated 12.08.2015 which he had submitted alongwith his complaint. He has also submitted a certificate from Nakkada Mission Hospital, Thiruvallam, Kerala mentioning that Mr. Prasant Natarajan had been under the treatment of the hospital for epilepsy and psychosis since 21.04.2013 and he needs long term care, support and treatment.

8. Rule 54 (6) (iv) of CCS Pension Rules, 1972 under which a daughter/son with disability of a Government employee is entitled to life time family pension reads as under:

"Before allowing family pension for life to any such son or daughter, appointing authority shall satisfy that the handicap is of such a nature so as to prevent him or her from earning his or her livelihood and same should be evidenced by a certificate obtained from a Medical Board comprising of Medical Superintendent (MS) or Principal or Director or Head of Institution or his nominee as Chairman and to other members, out of which atleast one shall be specialist in a particular area of mental or physical disability including mental retardation setting out, as far as possible, the exact mental or physical condition of the child."

9. In the light of the provision of Rule 54 (6)(iv) of the CCs (Pension) Rules, 1972, the complainant is advised to submit the required medical certificate from the competent Medical Board not necessarily from a Government Hospital in Delhi and submit to the respondent. The concerned appointing authority/ Respondent is advised to take immediate action thereon and decide grant of family pension for life to Sh. Prasant Natarajan after the death of the complainant within 60 days from the date of

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

receipt of the medical certificate and ensure that the necessary entry in the PPO is made for the same.

10. The complaint is disposed off accordingly.

11. Given under my hand and the seal of the Court this 2nd day of January, 2018.



(Signature)
(T.D. DHARIYAL) 2/1/18

Commissioner for Persons with Disabilities

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