

In the Court of State Commissioner for Persons with Disabilities
National Capital Territory of Delhi
25- D, Mata Sundari Road, Near Guru Nanak Eye Centre, New Delhi-2
Phone-011-23216002-04, Telefax: 011-23216005, Email: comdis.delhi@nic.in
[Vested with powers of Civil Court under the Rights of
Persons with Disabilities Act, 2016]

Case No. 4/795/2014-Wel./CD/661-62

Dated: 6/6/2017

In the matter of:

Sh. Govind Ram

Viklang Stall Gate No. 7

OPD Block, Pt. Govind Ballabh Pant Hospital

New Delhi - 110001.

.....Complainant

The Medical Superintendent

G.B.Pant Institute of

Postgraduate Medical Education & Research (GIPMER)

1, J.L. Nehru Marg,

New Delhi - 110001.

.....Respondent

ORDER

A Complaint dated 1.10.2014 of the above name complaint, addressed to the Hon'ble Prime Minister a person with more than 40% loco motor disabilities was received from the office of Chief Commissioner for Persons with Disabilities vide letter dated 1.11.2014. In the said complaint, it is stated that the complainant and Sh. Lal Singh were running a PCO booth for the last 20 years at G.B.Pant Hospital. The PCOs were locked and sealed by the Hospital. These locks were opened on the direction of Civil Judge Central, Tis Hazari Court vide order dated 30.08.2016. The complainant inter-alia alleged harassment by Dr. S.P. Jayant, Medical Superintendent of the Hospital and Sh. Ram Iqbal chowkidar. The complainant also alleged that they have been indulging in various corrupt activities and requested to take action against them and relief for himself.

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

2. The complaint was taken up with the respondent who submitted his reply and denied any harassment to the complainant. The respondent also submitted that the PCO was sealed as the complainant started using the site for selling eatable goods in the PCO. Further, a Civil Suit filed by the complainant is pending adjudication in the court of Sh. Anubhav Jain, Civil Judge who had directed to remove the locks and de-seal the PCO which was complied with. Therefore the proceedings before the Commissioner for persons with disabilities should be dropped.

3. After hearing the parties and submission of the copy of the order dated 30.08.2014 of Tis Hazari Court in Suit no. - 690/14 and other relating documents, the then Commissioner for persons with disabilities adjourned the case sine-die on 30.11.2015.

4. On perusal of the record in the case file, it is observed that the complainant has not submitted any rejoinder/comments on the reply of respondent though he was advised to do so vide letter dated 01.05.2015. The complainant has not approached this office thereafter. It is also observed that the matter in the Tis Hazaari Court was listed for cross examination on 18.05.2015.

5. In the light of the fact that the matter is already before the Hon'ble Civil Judge, Tis Hazari Court, the complaint in this court is closed. The respondent shall ensure that the complainant is not harassed by the hospital authorities on ground of his disability. With regard to the issue of selling eatables from the premises of the PCO booth, the attention of the parties is drawn to the following observation of Hon'ble Supreme Court of India in Maharashtra Ekta Howkers Union & anr V/s Municipal Corporation & Ors greater Mumbai in Civil appeal no. 4156-4157 of 2002;

"Physically challenged who were allowed to operate PCO's in terms of judgement reported in (2009) 17 SCC 231 shall be allowed to continue to run their stall and sell other goods because running of PCO's is no longer viable. Those who were allowed to run Aarey/Sarita shall be allowed to continue to operate their stalls".

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

6. This observation has also been quoted in the order dated 30.08.2014 passed by Civil Judge, Central, Tis Hazari Court.

The matter is dispose of accordingly

Given under my hand and the seal of the court this 05th day of June, 2017.



State Commissioner for Persons with Disabilities of Delhi
Room No. - 1
25-D, Mata Sundari Road, New Delhi-02