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**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. 4/1690/2017-Wel./CD/ 3413-14

Dated: 15/12/17

**In the matter of:**

Sh. Hakim Singh,  
R/o C1/384, Gali No.-19,  
Harsh Vihar, Delhi-110093.

..... Complainant

**Versus**

The Commissioner,  
East Delhi Municipal Corporation,  
419 Udyog Sadan,  
Patparganj Industrial Area,  
Delhi-110096.

.....Respondent

**Date of Hearing : 13.12.2017**

**Present:** Sh. Hamim Singh, Complainant  
Sh. A.K. Singh, Asstt. Commissioner, Sh. Deepak Panchal,  
Licensing Inspector on behalf of EDMC.

**ORDER**

The above named complainant, a person with above 40 % locomotor disability vide his complaint dated 28.02.2017 received from Office of the Chief Commissioner for Persons with Disabilities vide letter dated 12.07.2017 submitted that he is a poor person with disability. He was allotted a Chalta Firta PCO by Delhi Government financed by the Delhi SC/ST/OBC, Minorities and Handicapped Development Corporation Ltd. in 2004. He was being troubled by East Delhi Municipal Corporation (EDMC) Officials and requested to intervene and ensure that he was allowed to ply his PCO booth and make his living from the same.

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2. The complaint was taken up with the respondent vide communication dated 22.08.2017 followed by reminder dated 31.10.2017. As there was no response from the respondent, a hearing was scheduled on 13.12.2017.

3. During the hearing on 13.12.2017, the complainant reiterated his written submissions and added that the mobile PCO booth which was seized, has since been released after payment of requisite fine. However, he is not able to operate and conduct any business for the last three months. Thus, he has been deprived of his livelihood and he requested for immediate relief.

4. The representatives of the respondent filed a written submission dated 13.12.2017 which reads as under:

*"It is stated that the issue has been examined and it has been found that Sh. Hakim Singh was selling tobacco items at the exit gate of Anand Vihar Bus Terminal. Hon'ble High Court of Delhi had directed EDMC in WPC No. 1346/2015 and CM 35024/2016 dated 02.02.2017 regarding alarming level of Air Pollution at Anand Vihar and its surrounding area to conduct massive encroachment removal drive and to remove all the encroachments from Anand Vihar Bus terminal, footage bridge and its adjoining areas with the assistance of local Police. In compliance of the above directions issued by the Hon'ble Court massive encroachment removal programmes were carried out at Anand Vihar in the supervision of sh. A.K. Singh, Asstt. Commissioner of the area.*

*During the programme, all temporary encroachments were removed from footpath, service roads and foot over bridge at Anand Vihar Bus Terminal between entry and exit point of ISBT, Anand Vihar, Delhi except members of case no. W.P. (C) No. 5617 of 2016 titled as "Mahila Howkers Vs DM Shahdara and Others" wherein Hon'ble High Court of Delhi has directed not to take any coercive steps against the members of the petitioner / association.*

*It is submitted that the complainant sh. Hakim Singh was not a petitioner in the above case. Moreover, he was not sitting at the permitted stretch. He was an unauthorised hawker /vender in Anand Vihar Area. He used to sale gutka, bidi and other tobacco items in front of Anand Vihar Railway Station exit gate in his vehicle/van. His vehicle / van was standing on the metalled road causing traffic*

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congestion leading to air pollution. He was always creating hindrance in Departmental Encroachment removal drive and create nuisance.

In view of the above it is stated that Sh. A.K. Singh, Assistant Commissioner was discharging his duties and allegations of Sh. Hakim Singh is fabricated, false and baseless and hence it is requested that the above Show Cause Notice may be dropped."

5. The representatives of the respondent also showed a recorded video showing the complainant lying under the tyre of a truck during one office <sup>2</sup> ~~encroachment~~ removal drive. Sh. A.K. Singh, Assistant Commissioner added that the drive to remove the encroachment from the area is a continuous process in compliance with the directions of Hon'ble High Court and it is not possible to allow the complainant to operate his mobile PCO booth. Only those persons who were the petitioners in the above mentioned W.P. before the Hon'ble High Court have been allowed to do squatting in the earmarked area, a sketch of which is mentioned in the said Order dated 31.01.2017.

6. The complainant, who is a person with disability states that he has no other source of livelihood and he himself used to conduct the business through that mobile PCO booth, which the representative of the respondent confirmed to have seen him selling items himself. Considering his situation, merely because the complainant was not the one of the petitioners before the Hon'ble High Court, he should not be deprived of his only source of livelihood and the concerned authorities should consider his case with compassion.

7. In the light of the above, the respondent is advised to allow the complainant squat from his mobile PCO booth which was allotted to him by the Govt. of NCT of Delhi in 2004, from a spot within the identified area. The complainant assures that he will not sell any restricted items and will peacefully earn his livelihood.

Sh. Deepak Panchal, Licensing Inspector, EDMC will identify by 18<sup>th</sup> December, 2017, the spot where the complainant can put his mobile PCO booth and the complainant can start his business from the (Specified) spot. An ATR be submitted

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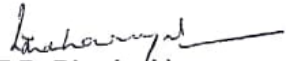


to this Court by **22.12.2017**. The ATR can also be submitted through email at [comdis.delhi@nic.in](mailto:comdis.delhi@nic.in).

8. The complaint is disposed of in terms of the above advice / directions.

Given under my hand and the seal of the Court this 15<sup>th</sup> day of December,  
2017.



  
(T.D. Dhariyal)

Commissioner for Persons with Disabilities

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