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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. 4/837/2014-Wel./CD/ 3164-68

Dated: 29.11.17

In the matter of:

Sh. R.K. Sharma
C-682, Delhi Administration Flats,
Timarpur, Delhi-110054.

..... Petitioner

Versus

Secretary,
Public Works Department,
Delhi Secretariat,
Delhi.

..... Respondent

Order

The above named complainant, who claimed to be a person with 80% loco-motor disability (above knee (R) amputation), vide his complaint dated 09.01.2014 received through the Court of Chief Commissioner for Persons with Disabilities on 30.12.2014, submitted that he was working as Accounts Officer in Govt. of NCT of Delhi. He was allotted a Type -III accommodation C-682, Delhi Administration Flats, Timarpur. The said flat did not meet basic requirements which are necessary for an ambulated person with disability. Referring to the provisions of the Persons with Disability Act, 1995, the CPWD guidelines etc., the complainant requested for the following:-

- (i) *That the work aforesaid i.e. covering of Entrance Gate of C-682 by Acrylic sheet etc. and changing of door and W.C. alternatively construction of a separate Toilet in the vacant land may kindly be got done on urgent basis out of its own fund for maintenance of Building in pursuant to the guidelines issued by Central Public Works*

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Department, Chief Commissioner for Persons with Disabilities and in compliance of provisions of Section 44, 45 and 46 of the Persons with Disabilities Act, 1995. The shed by Acrylic Sheet is most urgent as it is continuously leading my life and limb to dangerous position and anything can happen anytime, thus, the same may be carried out on priority basis.

- (ii) That, if the PWD is in short of funds under Maintenance of Building Head to carry out the said work, though it is mandatory on the part of the PWD to carry out the said work out of its own fund, the PWD may ask for the same so from the undersigned and the undersigned may deposit the amount with PWD and the work may be got done by PWD in accordance with the provisions contained under O.M. dated 10.08.2007 issued by Dy. Secretary, PWD, GNCT of Delhi on urgent basis please as the life and limb of the undersigned and family members is at stake all the time.
- (iii) That, if the PWD is not in a condition to carry out the said work out of its own fund, the undersigned will have no option except to get the work done out of his own pocket in order to save the life, limb and personal property of the undersigned and his family member and thus it is requested that the work may be got done within the reasonable period of time of one month from the receipt of this request i.e. by 10.02.2014 failing which it will be reasonably presumed that the PWD does not have fund or is not willing to comply with the statutory provisions and guidelines issued by the Authorities in this behalf and the undersigned shall get the same done purely in the interest of his life, limb and personal property.

2. The complaint was taken up with the respondent vide communication dated 31.12.2014 and was thereafter heard on 20.01.2015 and 07.04.2015.

3. The respondent vide reply dated 20.01.2015 and 27.03.2015 inter alia submitted that the complainant had himself requested that either this modification may be done by PWD out of Govt. funds or alternatively he would be constrained to do the same out of his own pocket to make the flat barrier free. It has further been stated that respondent did not ~~office did not~~ have funds during the financial year 2013-14. Therefore, the complainant was informed on 15.01.2014 and advised to get necessary modifications done as

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per guidelines out of his own pocket. The complainant carried out the modifications, ~~namely~~, fixing the gate of wash room/toilet from outward, providing European style WC in the washroom, providing acrylic sheet on the entrance gate of the flat and fencing around the flat including electrical feeders, out of his own pocket, Therefore, respondent contended that the grievance of the petitioner had been resolved.

4. In the letter dated 27.03.2015, the respondent stated that a meeting was held on 24.02.2015 by Spl. Secretary, PWD with the Supdt. Engineers of various Delhi Government Colonies to discuss the matter of additions/alterations by allottees of Govt. flats. In the meeting, the case of the complainant who had been issued notice was also discussed. However, the action on the notice issued to the complainant was kept in abeyance as per the directions of this Court. As per the minutes of the meeting on 24.02.2015 on the direction of this Court for withdrawal of notice issued to the allottees with disabilities on ground floor flats, it has been mentioned that as far as the case of Sh. R.K. Sharma was concerned, the same was also required examination to see the extent of construction/addition done by him so that only those additions facilitating him in barrier free movement should be permitted. The concerned SE was advised to examine the case and take action so that all necessities and conditions as per the Disability Act were fulfilled. In case of non disable persons, permission, if any should be given on case to case basis as per situation.

5. As the complainant did not pursue the matter this court tried to contact him on his given telephone No. (8750196282), but the same was switched off. Even on the date of writing this order (28.11.2017), the telephone was switched off. In view of this, the complainant is closed and disposed off. If the complainant faces any harassment in violation of the provisions of the Rights of Persons with Disabilities Act, 2016 or the Rules or Regulations made thereunder, he may file a fresh complaint.

6. Given under my hand and the seal of the Court this 29th day of November, 2017.



(Signature)
(T.D. Dhariyal) 29/11/17

State Commissioner for Persons with Disabilities

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