

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. 4/1118/2015-Wel/CD/8492-93

Dated: 22/12/17

In the matter of:

Sh. Santosh Kumar,
C/o Sh. Pappu Jain,
1/1, Laxmi Market, Aram Park,
Khureji, Laxmi Nagar,
Jain PG, Delhi-110092

..... Complainant

Versus

The Secretary,
Deptt. Of Health & Family Welfare,
GNCTD, Delhi Secretariat, I.P. Estate,
New Delhi-110002.

..... Respondent

ORDER

The above named complainant vide his complaint dated 31.08.2015 received from the Court of Chief Commissioner for Persons with Disabilities vide letter dated 21.09.2015 submitted that he applied for Disability Certificate in Multiple Disability Board of Guru Teg Bahadur Hospital, Shahdara, Delhi. As per the complainant he has congenital blue dot and Sutural cataract in both his eyes and Diskinetic cerebral palsy in his right hand due to which he can hardly perform any household work including writing. As GTB Hospital had no neurological facility, he was referred to IHBAS Hospital. He alleged that during assessment, he was mentally harassed and sarcastically mocked. He was doubted and his case was under estimated ignoring his problem.

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He alleged prejudice and discrimination in gross violation of the Persons with Disabilities Act, 1995.

2. The complaint was taken up with the respondent vide communication dated 24.09.2015. Health & Family Welfare Department sought the comments of IHBAS Hospital. IHBAS, Hospital vide letter dated 21.10.15 inter-alia informed that the Neurological condition of Focal Dystonia or writer's cramp was very mild and was not contributing to any motor weakness leading to measurable disability. The complainant was examined in different centres, AIIMS, GB Pant and Ganga Ram Hospital. The same professional opinion was provided by the experts of those hospitals. The hospital also stated that there was no mention of disability due to Dystonia in the disability assessment gazette. It was also alleged that the complainant pressurised the treating Doctors to give 30% or more disability which would help him in the Civil Services Exam. The hospital denied any harassment meted due to the complainant.

3. This court suggested to Department of Health & Family Welfare to appoint an Appellate Board. After exchange of a number of correspondence, the Health & Family Welfare Department asked Medical Superintendent, Lok Nayak Hospital to constitute an Appellate Board of 3 doctors for reassessment of the category of disability of the complainant as he was not satisfied with their comments/report of IHBAS Hospital and reconsider the issue of disability certificate, based on Board's report vide letter dated 28.03.2016.

4. A hearing was scheduled on 24.10.2017. While the complainant did not appear, Ms. Manju Handa, Dy. Secretary on behalf of respondent informed that the complainant was also requested to contact Director,

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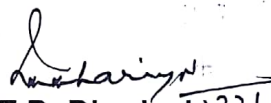
GB Pant Hospital for reassessment by Appellate Board of 3 doctors vide letter dated 08.09.2016. However, it appeared that complainant did not visit that hospital.

5. It was observed that the last communication from the complainant was received on 06.11.2015. This Court also tried to contact him on his given telephone No. 9910298747, which was switched off. On the date of writing this order on 13.12.2017 also the said telephone number was switched off/temporarily out of service.

6. Director, GB Pant Hospital was advised to arrange reassessment of the complainant as requested by H&FW Department and if eligible, disability certificate may be issued in respect of the complainant. It was also made clear in the record of proceedings dated 27.10.2017 that if no response from the complainant was received by 30.11.2017, the complaint would be treated as closed. The Record of Proceedings dated 27.10.2017 was sent to the complainant at his given address by speed post which has not been received back. In compliance with the advice of this Court, GB Pant Hospital vide letter dated 15.11.2017 advised the complainant to report to Disability Cell, GB Pant Hospital, New Delhi between 10:00 A.M. and 4:00 P.M. with the relevant record on 16th/17th.11. 2017 or on 18.11.2017 between 10:00 A.M. to 1:00 P.M. The hospital also found his mobile number switched off. No response what so ever has been received from the complainant till date. In view of this the complaint is closed and disposed off.

7. Given under my hand and the seal of the Court this 22nd day of December, 2017.




(T.D. Dhariyal) 22/12/17

State Commissioner for Persons with Disabilities

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