

**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
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.316/1083/2018/05/9941-42

Dated:27/09/2018

In the matter of:

Mr. Mukesh Kumar,
S/o Sh. Mange Ram,
H.No. 665, Kotla Mubarakpur,
New Delhi-110003.

...Complainant

Versus

The Commissioner,
South Delhi Municipal Corporation
Dr. SPM Civic Centre,
JLN Marg, New Delhi-110002.

.....Respondent

Date of hearing: 26.09.2018

Present: Sh. Mukesh Kumar, Complainant.

Sh. Ram Kumar, LDC on behalf of respondent.

ORDER

The above named complainant , a person with 80% locomotor disability vide his complaint given by him on 25.05.2018 submitted that he belongs to SC category and is a wheel chair user. He cannot move by himself. His parents are no more. His elder brother who was supporting him, has also become disabled. He has no source of income even to pay his helper who moves him around in his wheel chair. He had

applied for a kiosk vide receipt no. 1926/AC/CZN Dated 29.09.2004 at Hindu College which was given a Sl.No. 96/AC/Central/DF 372 dated 29.09.2005. He was also assured by Sh. Sanjay Kohli, Licensing Officer, Kotla Mubarkpur that he would be allotted a kiosk. However, till date he has not been allotted any kiosk nor has he been informed about the status of his case.

2. The complaint was taken up with the respondent vide communication dated 31.05.2018 under the Rights of Persons with Disabilities Act, 2016 hereinafter referred to as the Act followed by reminder dated 19.06.2018. As there was no response, it was decided to hold a hearing in the matter on 21.08.2018.

3. On 21.08.2018, none appeared on behalf of the respondent and therefore Commissioner, SDMC was advised to instruct the concerned officer to file the reply and indicate the serial number of the complainant in the list of applicants for allotment of kiosk / Tehbazari by 26.09.2018.

4. On the next date of hearing on 26.09.2018, Sh. Ram Kumar, LDC/ JSA appeared on behalf of respondent and informed that the Administrative Officer who was supposed to attend hearing, had to attend another hearing at PGC Cell, ITO. He also submitted a copy of the reply of Asstt. Commissioner (Central Zone), which is reproduced below:

“In the above cited matter it is most respectfully submitted that there is no policy in vogue in the Department for allotment of kiosk under handicapped quota. The matter relating to allotment of tehbazari shall be dealt with by Town Vending Committee, constitution of Town Vending Committee is in advanced stage. The Hon’ble Court has advised the Commissioner, SDMC “to instruct the concerned officer to file the reply

and indicate the serial number of the complainant in the list of applicants for kiosks/tehbazari by 26.09.2018 at 11.30 AM.”

In this regard, it is submitted that the application of applicant Sh. Mukesh Kumar dated 29.09.2014 applying for a kiosk is not traceable. The applicant may kindly be directed to provide copy of the same to the Department so that further course of action may be taken accordingly.

Sd/-

*Asstt. Commissioner
Central Zone”*

5. Complainant reiterated his written submissions and added that he needs a kiosk to earn his livelihood and keep himself alive. He should not be made to wait indefinitely as his survival is in jeopardy.

6. He further submitted that he will trace the application dated 29.09.2004 and will send a copy of the same to the Office of Asstt. Commissioner by 27.09.2018.

7. The physical as well as mental condition of the complainant is indeed very precarious and considering his situation, it is recommended that on receipt of the copy of his application dated 29.06.2014, for which he has the copy of receipt, his case be considered on top priority for allotment of a kiosk to enable him to earn his livelihood.

8. An Action Taken Report on the recommendation be intimated to this Court within three months from the date of receipt of this order as required under Section 81 of the Act.

9. The complaint is disposed off.

10. Given under my hand and the seal of the Court this 27th day of September, 2018.

(T.D. Dhariyal)
State Commissioner for Persons with Disabilities