

**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. 33/1092/2017/11/7837-39

Dated:13.06.2018

In the matter of:

Sh. Mukesh,

84, Mohammadpur,
Bhikaji Kama Place,
New Delhi – 110 066.

.....Complainant

Versus

The Commissioner,

South Delhi Municipal Corporation,
Shyama Prasad Mukherjee
Civic Centre, 9th Floor,
Minto Road,
New Delhi – 110 002.

.....Respondent No.1

The Deputy Commissioner,

South Delhi Municipal Corporation,
South Zone, Green Park,
New Delhi – 110 016.
(Near Green Park Metro Station)

.....Respondent No.2

Present:

Complainant :

Not present

Respondents :

None present

Date of hearing: 11.06.2018

ORDER

The above named complainant, a person with 75% locomotor disability vide his complaint dated 08.11.2017 submitted that he was getting disability pension from South Delhi Municipal Corporation (SDMC). However, he has not received the pension for the last many months whereas other persons got the pension in March, 2017. He

visited SDMC's office in Green Park. The officials there informed him that his pension had been stopped.

2. The complaint was taken up with Commissioner, EDMC vide notice dated 27.11.2017 followed by reminders dated 29.01.2018 and 13.02.2018. As there was no response, a hearing was scheduled on 16.04.2018. However, neither the complainant nor the respondent or his representative appeared. It was observed that the Department of Social Welfare, GNCT of Delhi has a scheme of financial assistance for persons with disabilities under which a pension of Rs.2500/- per month is given. As the complainant had not mentioned whether he ever applied for the said pension, he was advised to apply for the disability pension under that scheme and inform by 01.05.2018. The respondent was also directed to respond to the notice and the matter was fixed for hearing on 10.05.2018.

3. On 10.05.2018 also complainant and respondent No.1 did not appear. The complainant was contacted on his given telephone and he informed that he could not attend the hearing due to injury in his leg. He also informed that he can not apply for pension from Social Welfare Department without getting NOC from SDMC. Deputy Commissioner, Green Park was therefore impleaded as respondent No.2. It was mentioned in the Record of Proceedings dated 23.05.2018 that if the respondents did not attend the hearing on the next date, it would be presumed that they have deliberately denied the pension to the complainant and action under Section 89 of the Rights of Persons with Disabilities Act, 2016 for contravention of the said Act would be initiated.

4. The parties did not attend the hearing even for the third time on 11.06.2018. The complainant was again contacted on his mobile telephone to check whether he applied for NOC with SDMC. He stated

that he did not do so. It seems that the complainant is not applying for NOC in the fear of losing the arrears of pension that the SDMC was supposed to pay to him.

5. It is a matter of concern that Commissioner, SDMC/his representative have not responded to 5 communications from this Court. It is likely that such communications may not have been placed before him as a senior officer is not expected to be irresponsible to the issue of a person with disability and the Statutory Authority created for protection of their rights.

6. However, as the complainant has also not been pursuing the matter, no purpose may be served by scheduling another hearing. Notwithstanding this, the complainant is advised to approach Deputy Commissioner, SDMC, Green Park alongwith a copy of this order for help and guidance.

7. Deputy Commissioner, SDMC, Green Park is directed to release the arrears of disability pension/assistance, if any, due to the complainant within one month from the date of receipt of this order and if the complainant requests, issue him NOC so that he can apply for financial assistance from Department of Social Welfare, GNCT of Delhi.

8. It will be in the fitness of things for this Court to inform the respondents that Section 89 of the Rights of Persons with Disabilities Act, 2016 provides as under;

“89. Any person who contravenes any of the provisions of this Act, or of any rule made thereunder shall for first contravention be punishable with fine which may extend to ten thousand rupees and for any subsequent contravention with fine which shall not be less than fifty thousand rupees but which may extend to five lakh rupees.”

9. The complainant, if aggrieved by any action of the respondents causing deprivation of his right, he may inform this Court alongwith relevant documents.

10. The complaint is disposed of with the above directions.

11. Given under my hand and the seal of the Court this 12th day of June, 2018.

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