

**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.722/1121/2019/02/1306-1308

Dated:14.03.2019

In the matter of:

Sh.Sanjeev Aggarwal

Email ID: Sanjeevaggarwal2000@gmail.com **Complainant**

Versus

The Secretary,
Deptt. of Health & Family Welfare,
GNCT of Delhi,9th Level, A-Wing
Delhi Secretariat,
New Delhi-110002.

.....**Respondent No.1**

The Medical Superintendent
Madan Mohan Malviya Hospital,
Govt. of NCT of Delhi,
Malviya Nagar,
Delhi-110017.

.....Respondent No. 2

Date of Hearing: 11.03.2019

Present: Sh.Sanjeev Aggarwal, complainant.

Smt. Madhuri Devi, Section Officer on behalf of
respondent No. 1 on behalf of the respondent.

ORDER

The above named complainant vide his email dated 14.01.2019
and 24.01.2019 submitted that his son Master Sanan Aggarwal, a

person with 50% permanent physical impairment due to neurological disorder was issued a disability certificate dated 12.11.2013 by Pt. Madan Mohan Malaviya Hospital. The condition was progressive and reassessment was recommended after a period of five years. He approached the hospital for re-issuing the disability certificate but he was informed that as per the latest guidelines, AIIMS is the competent hospital to issue the disability certificate to the persons with neurological disorder and for the persons residing in South East District. When he approached AIIMS, he was informed that since it is a case of re-issuance of the certificate, it should be done by the same hospital which originally issued it i.e. Pt. Madan Mohan Malaviya Hospital.

2. The complaint was taken up with the respondents vide Show-cause-cum-hearing notice dated 12.02.2019. The respondents were directed to show cause why Pt. Madan Mohan Malviya Hospital should not re-issue the certificate of disability as the original certificate was issued by that hospital and why the respondent No. 1 should not have a clear policy to deal with such situations and submit an action taken report by 28.02.2019 and a hearing was scheduled on 11.03.2019.

3. Respondent No. 1 directed DGHS to submit an action taken report vide letter dated 26.02.2019. Respondent No. 2 vide letter dated 27.02.2019 submitted that the residence of the complainant is at

Chitranjan Park, which falls under the jurisdiction of South East District as per the notification dated 12.02.2014 issued by Department of Social Welfare. Therefore, the complainant was referred to AIIMS, New Delhi which is the notified hospital for issuing the disability certificate for neurological disorders for the residents of South East District.

4. On the date of hearing on 11.03.2019, the complainant reiterated his written submissions and his concern about the inordinate delay in addressing a simple and common problem. He also stated that the disability certificate is the basic document without which Master Sanan Aggarwal cannot claim any benefit / facility as a person with disability. The existing disability certificate is already five years old and therefore, the authorities may deny him facilities on the ground that the said disability is no more valid.

5. Smt. Madhuri Devi, Section Officer who appeared on behalf of respondent No. 2 reiterated the written submissions.

6. Considering the sensitivity and importance of the matter, Dr. Yogesh Kataria, Nodal Officer, DGHS and Sh. A. K. Kaushal, Spl.Secretary(H&FW), Govt. of NCT of Delhi were contacted on telephone and explained the situation which required urgent action and the need for issuing appropriate instructions to the certifying authorities.

7. After hearing the parties, it is recommended that:

(i) Respondent No.1 should issue a circular directing the certifying authorities in NCT of Delhi that the hospital / authority which issued the original certificate shall re-assess / re-issue the disability certificates irrespective of change in jurisdiction. In case of unavailability of a specialist doctor in such a hospital, assessment by a specialist doctor should be got done by a doctor of the nearest neighboring hospital and the disability certificate should be reissued within one month of the application for the same. It should be the responsibility of the head of hospital to ensure this;

(ii) The complainant is advised to submit an application in Pt. Madan Mohan Malviya Hospita, if not already done and the hospital shall issue a fresh certificate to Master Sanan Aggarwal within one month from the date of application by the complainant; and

(iii) The disability certificate No. F.14/59/6196/Pt.MMMH/1251 dated 12.11.2013 in respect of Master Sanan Aggarwal shall be valid and be accepted by the concerned authorities / service providers until a fresh certificate is issued.

8. Action taken report be submitted to this Court within three months from the date of receipt of this order as required under section 81 of the Act.

9. The case is disposed of accordingly.

10. Given under my hand and the seal of the Court this 14th day of March, 2019.

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