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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](mailto:comdis.delhi@nic.in)

[Vested with powers of Civil Court under the  
Rights of Persons with Disabilities Act, 2016]

1. Case No. 1225/1121/2019/09/ 7740 - 7751

Dated: 11/11/2019

In the matter of:

**Shri Subhash Manchanda**  
H/o Smt. Shukuntala Manchanda,  
16A, Gyan Park, Upper Ground,  
First Floor, Krishna Nagar,  
Delhi-110051  
Email ID: [ajaymakkar2@gmail.com](mailto:ajaymakkar2@gmail.com)

Complaint

Versus

**The Medical Superintendent,**  
Lal Bahadur Shastri Hospital,  
Govt. of NCT of Delhi,  
Delhi-110091

Respondent No.1

**Principal Secretary,**  
Health & Family Welfare Department,  
Govt. of NCT of Delhi,  
9th Level, A-Wing,  
I.P. Estate, Delhi Secretariat,  
New Delhi-110002  
(Attention: **Sh Sanjeev Khirwar, IAS**)

Respondent No. 2

**The Branch Manager,**  
Oriental Bank of Commerce,  
Krishna Nagar,  
Delhi-110051

Respondent No.3

2. Case No. 1156/1121/2019/09/

In the matter of:

**Shri Seema Yadav,**  
H.No. 19, New Layalpur Extension,

Court of Commissioner (Disabilities)  
National Capital Territory of Delhi  
Room No. - 1  
25-D, Mata Sundari Road, New Delhi-02

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Near Som Bazar, Chander Nagar  
East Delhi-110051  
Email ID: [ajaymakkar2@gmail.com](mailto:ajaymakkar2@gmail.com)

Versus

**The Medical Superintendent,**  
Lal Bahadur Shastri Hospital,  
Govt. of NCT of Delhi,  
Delhi-1100091

Respondent No.1

**Principal Secretary,**  
Health & Family Welfare Department,  
Govt. of NCT of Delhi,  
9th Level, A-Wing,  
I.P. Estate, Delhi Secretariat,  
New Delhi-110002  
(Attention: **Sh Sanjeev Khirwar, IAS**)

Respondent No. 2

**3. Case No. 1239/1121/2019/10/**

In the matter of:

**Ms. Anita Arora,**  
17/95, 3rd Floor, Geeta Colony,  
Block-17, East Delhi-110051  
Email ID: [ajaymakkar2@gmail.com](mailto:ajaymakkar2@gmail.com)

Complainant

Versus

**The Medical Superintendent,**  
Lal Bahadur Shastri Hospital,  
Govt. of NCT of Delhi,  
Delhi-110091

Respondent No.1

**The Director,**  
IHBAS,  
Dilshad Garden,  
New Delhi-110095.

Respondent No.2

**Principal Secretary,**  
Health & Family Welfare Department,  
Govt. of NCT of Delhi,  
9th Level, A-Wing,  
I.P. Estate, Delhi Secretariat,  
New Delhi-110002

Respondent No.3

Court of Commissioner (Disabilities)  
National Capital Territory of Delhi  
Room No. - 1  
25-D, Mata Sundari Road, New Delhi-02

(Attention: **Sh Sanjeev Khirwar, IAS**)

**Last date of hearing:** 07.11.2019

**Present:** Dr. P.K. Khedwal, Consultant, ENT Specialist and Dr. Sanjeev Gambhir, Specialist Ortho for respondent no. 1.

### ORDER

The complainants in above three cases vide their respective emails informed that Smt. Shukuntala Manchanda w/o Sh. Subhash Manchanda, Sh. Virender Pal Singh H/o Smt. Seema Yadav and Sh. Raj Kumar Arora, H/o Smt. Anita Arora have severe disabilities and are on wheelchair/paralyzed. They are not in a position to make multiple visits to the hospitals and therefore arrangement for their assessment for issuance of disability certificate should be made in such a way that all formalities/assessments are completed in a single day. All of them are living on first/third floor. Lal Bahadur Shastri Hospital (LBS Hospital) has the jurisdiction to issue disability certificate for locomotor disability, deafness and blindness and IHBAS for chronic neurological disorder.

2. Considering the condition of said three persons and that certificate of disability is an essential document to avail any right/facility meant for Persons with Disabilities, show cause-cum-hearing notices were issued under the Rights of Persons with Disabilities Act 2016 hereinafter referred to as the "Act" to MS, LBS Hospital, Secretary, Health & Family Welfare Department, Director, IHBAS in the above cases. It was also brought to the notice of the respondents that in a similar case, a bed ridden woman Ms. Shaifali of Barodra was assessed and issued a certificate of disability by organizing a visit of the Doctor(s) at her first floor flat on the advice of Chief Commissioner for Persons with Disabilities, Govt. of India. Therefore, it should be possible to do it at any other place. Brief facts of the cases are given in the succeeding paragraphs:

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Central Capital Territory of Delhi  
Room No. - 1  
25-D, Mata Sundari Road, New Delhi-02

**A. Case No. 1225/1121/2019/09/**

i) Sh. Subhash Manchanda vide his email dated 14/09/2019 submitted that his wife, Smt. Shukuntala Manchanda is bedridden and is a wheel chair user for the last 20 years. She is incapacitated to visit the hospital. The Lal Bahadur Shastri hospital has refused to issue the disability certificate without her presence in the hospital. Besides this, Branch Manager, Oriental Bank of Commerce, Krishna Nagar, Branch, Delhi-110051 has also refused to open an account by visiting her home despite there being guidelines of RBI vide Circular dated 09.11.2019 for door step banking. He needs certificate of disability and bank account of his wife for grant of disability pension by Department of Social Welfare;

ii) Shri Manchanda was contacted on his given mobile number 9971172271 and he informed that he himself is about 70 years and his wife is about 65 years of age. They live in a first floor house. His wife was taken out of the house with the help of four persons who lifted her with her wheel chair only once during the last 6-7 years when her mother expired 4 months ago. He requested that the respondents/concerned authorities may be directed to make arrangements for assessment of disability of Smt. Shukuntala Manchanda at her residence and issue a certificate of disability to her and also provide door step banking facility and open her bank account and link it to her Aadhar.

iii) Considering the situation of Ms. Shukuntala Manchanda, as seen from the pictures attached with the email, making her husband to carry her to the hospital will not only be torturous but also be against human dignity.

**B. Case No. 1156/1121/2019/09/**

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i) Vide her email dated 17/09/2019, Smt Seema Yadav has submitted that her husband, Shri Virender Pal Singh is a person with 100% disability for the last 06 years and is incapacitated to visit the hospital. However, the hospital has refused to issue him disability certificate without his presence in the hospital. As per her, she is a poor lady and one visit to the hospital will cost her Rs. 1500/-. She has requested that all the formalities for assessment of disability of her husband should be done in a single visit to the hospital; if it is impossible to do it at her home.

**C. Case No. 1239/1121/2019/10/**

i) Ms. Anita Arora vide email dated 07/10/2019 has alleged that her husband, Shri Raj Kumar Arora suffers from chronic illness (Paralysis). They live in 3<sup>rd</sup> floor house and he is incapacitated to visit the hospital due to his disability. She visited Lal Bahadur Shastri Hospital for disability certificate of her husband. That hospital referred to IHBAS. When she visited IHBAS, they refused to issue the disability certificate without his presence in the hospital;

ii) She requested that the respondents/concerned authorities may be directed to make arrangements for assessment of disability of Shri Raj Kumar Arora at his residence and issue a certificate of disability to him.

3. In her replies in all the three cases, MS, LBS Hospital inter-alia submitted that as per the notification dated 01.10.2019 issued by Health and Family Welfare Department, the high support needs with benchmark disability are examined by Special Board constituted for the purpose in Guru Teg Bahadur Hospital for East Delhi.

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4. This Court vide letter dated 04.11.2019 pointed out that the question of considering high support needs of the persons involved, would arise only after they are issued the disability certificates. Therefore, arrangement for assessment and issuing of disability certificate to them should be made by deputing the concerned doctors to their residences and if the same was not possible, the Hospital was directed to appear for a hearing on 07.11.2019.

5. During the hearing on 07.11.2019, Sh. Subhash Manchanda (on phone) informed that in compliance of the directions of this Court, the Branch Manager of Oriental Bank of Commerce, Krishna Nagar has opened a bank account in respect of his wife by visiting his house and he was appreciative of the same. He reiterated his difficulty/inability to take his wife to the Hospital.


6. Smt. Seema Yadav and Smt. Anita Arora did not pick up their telephones when contacted on their given telephone numbers.

7. Dr. P.K. Khedwal, Consultant, ENT Specialist, LBS Hospital and Dr. Sanjeev Gambhir, Specialist Ortho, LBS Hospital submitted that all the three patients would need to be examined not only for locomotor disability but also for other conditions such as chronic neurological disorder etc. In fact they do not have any medical record regarding the diagnosis of the patient in question. It will not be possible to depute the specialist doctors to their homes for their assessment. If their attendants can submit the medical records for diagnosis, the Hospital can decide whether they could be assessed by Doctors of the LBS Hospital or they would have to be taken to IHBAS. Thereafter, the team of Doctors can be arranged in one of the two Hospitals and patients can be assessed in one visit and their attendants can collect the disability certificate on the same day or as early as possible.

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8. In view of the facts and circumstances of the above cases, Principal Secretary, Department of Health & Family Welfare was contacted on phone during the hearing and based on the discussion, the following recommendations are made:

- i) The complainants in the above mentioned three cases should take the treatment/medical papers of their respective patients to Dr. P.K. Khedwal, Consultant, ENT Specialist/Dr. Sanjeev Gambhir, Specialist Ortho in LBS Hospital before 19.11.2019 on any working day with prior appointment.
- ii) Dr. P.K. Khedwal, Consultant, ENT Specialist / Dr. Sanjeev Gambhir, Specialist Ortho or any other Doctor of LBS Hospital after examination of the papers and in consultation with the Medical Superintendent of the Hospital, shall either constitute a Committee of Doctors of relevant field to visit the patients at their residences to assess their disability and if eligible, issue them the disability certificates, or
- iii) Depute an ambulance with adequate man power to transport the patients with dignity to the concerned Hospital for assessment of their disability in a single visit and if eligible, issue the disability certificates which can be collected by their attendants/family members.
- iv) Secretary, Department of Social Welfare is advised to depute a rehabilitation professional for any assistance/guidance during transportation of Smt. Shukuntala Manchanda, Sh. Virender Pal Singh and Sh. Raj Kumar Arora to the hospital.
- v) The assessment and certification process be completed by 03.12.2019.

  
Chief Commissioner (Disabilities)  
National Capital Territory of Delhi  
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9. This Court be informed of the action taken on the above recommendations within three months from the date of receipt of this order as required under Section 81 of the Act which is reproduced below:

*"Whenever the State Commissioner makes a recommendation to an authority in pursuance of clause (b) of section 80, that authority shall take necessary action on it, and inform the State Commissioner of the action taken within three months from the date of receipt of the recommendation:*

*Provided that where an authority does not accept a recommendation, it shall convey reasons for non-acceptance to the State Commissioner for Persons with Disabilities within the period of three months, and shall also inform the aggrieved person."*

10. The complaints are disposed off.

11. Given under my hand and the seal of the Court this 11<sup>th</sup> day of November, 2019



*T. D. Dhariyal*  
(T.D. Dhariyal) 11-11-19

**State Commissioner for Persons with Disabilities**  
National Capital Territory of Delhi  
Room No. - 1  
25-D, Mata Sundari Road, New Delhi-02

Copy to :

1. The Secretary, Department of Social Welfare, GLNS Complex, Delhi Gate, New Delhi-110002 | For necessary action on para 8 (iv) of the above