

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

Case No.1281/1121/2019/11/ 9144 - 9146 Dated: 31 / 12/2019

In the matter of:

Suo-Motu

Versus

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

.....Respondent No. 1

The Medical Superintendent,
Dr. Baba Saheb Ambedkar Hospital,
(Govt. of NCT of Delhi),
Sector-06, Rohini, Delhi-110085

.....Respondent No. 2

Administrator,
Office of the Administrator,
Asha Deep Home ,Deptt. of Social Welfare,
Govt. of NCT of Delhi,
Gandhi Ashram Road,
Narela, Delhi-110040

..... Respondent No. 3

Date of Last Hearing: - 23/12/2019

Present: - Dr. Yogesh Kataria, Nodal Officer for Respondent No.1.
Ms. Harsh Bala on behalf of Respondent No. 2 Dr.
Rachna Bhardwaj for Respondent No. 3 Dr. B.K. Tyagi
along with Sh.Deepak Singh, Jr. Assistant for JSS
Hospital

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

ORDER

During the hearing of the case No. 564/1121/2018/10, Suo-motu Vs. Secretary, Health and Family Welfare Department, Govt. of NCT of Delhi & other on 31.10.2019, Administrator, Asha Kiran informed that 106 residents at Asha Deep Home, Gandhi Ashram Road, Narela, Delhi also do not have disability certificates.

2. This court therefore took suo-motu cognizance under the Rights of Persons with Disabilities Act, 2016 hereinafter referred to as the Act, and the respondents were directed to plan and organize assessment and issuance of disability certificate to all the 106 residents of Asha Deep Home, Gandhi Ashram Road, Narela, Delhi by 23/12/2019 and submit a report on or before 23/12/2019 at 11.30 a.m.

3. Chairperson Disability Board, Dr. BSA hospital vide her letter No. F.No.7(21)/BSAH/MRD/PDC/2016-17/31317 dated 16/12/2019 has inter-alia informed, as under:

"Applications of inmates of Asha Deep Home, Deptt of Social Welfare, Narela, may be presented along with latest IQ assessment reports at Dr. BSA hospital, Assessment at Dr. BSA hospital will be done on same day or at earliest possible and certificate will be also issued at earliest."

4. During the combined hearing with the Case No. 564/1121/2018/10, 1280/1121/2019/11, Dr. Rachna Bhardwaj, Supdt. Asha Kiran Home for mentally challenged submitted that after assessment of the IQ of the residents of Asha Jyoti Home, Hari Nagar the Clinical Psychologist will assess the IQ of the residents of Asha Deep Home Narela. They will be able to do it by the end of February, 2020.

5. It is recommended that Administrator/Superintendent Asha Kiran Home should arrange IQ assessment or any other assessment of all the 106 residents of Asha Deep Home by 29th February, 2020 and submit all the relevant documents to Respondent No. 2 by **10/03/2020**, Respondent NO. 2, Dr. BSA hospital should issue the certificates of disability by **31/3/2020**.

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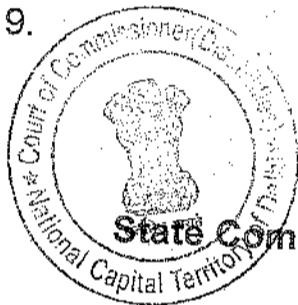
6. This Court be informed of the action taken on the above recommendation within three months from the date of receipt of the order as required under Section 81 of the Act which is reproduced below:

“ 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.”

7. The matter is disposed of with the above recommendation.

8. Given under my hand and the seal of the Court this 27th day of December 2019.



T.D. Dhariyal
(T.D. Dhariyal) 27/12/19

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