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

Case No. 411/1121/2018/08/ 12684-12687

Dated: 06/12/2018.

In the matter of:

Sh. Anuj Goyal,
1383, 3rd Floor, B'Block,
Shastri Nagar,
District: North West,
New Delhi-110052

..... Complainant

Versus

The Medical Superintendent
Hindu Rao Hospital
(Municipal Corporation of Delhi)
Subzi Mandi, Malka Ganj,
New Delhi-110007

...Respondent No.1

The Medical Supritendent,
Babu Jagjiwan Ram Memorial Hospital,
Govt. of NCT of Delhi,
Jahangir Puri, Delhi-110033

...Respondent No. 2

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

...Respondent No. 3

Date of hearing: 03.12.2018

Present: Sh. Anuj Goyal, Complainant.
Sh. Manoj Sharma on behalf of respondent no. 1
and Dr. Seema on behalf of respondent no. 2.

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ORDER

The above named complainant, a person with 80% locomotor disability (congenital deformity both upper limbs) vide his complaint dated 02.08.2018 submitted that he was issued a Disability Certificate from the Hindu Rao Hospital on 12.08.2011. His surname was wrongly spelt as 'Goel' instead of 'Goyal'. He approached Hindu Rao Hospital for correction but the concerned Incharge informed him that since he is a permanent resident of North West Delhi, Babu Jagjiwan Ram Memorial Hospital (BJRMH) had the jurisdiction to issue certificate to him and hence Hindu Rao Hospital could not make any correction in his certificate.

2. When the complainant approached BJRM hospital, the concerned doctors were not initially willing to respond and subsequently informed him that they could not do any correction in the existing certificate and issuance of new disability certificate would take at least 2 months as he would have to be assessed afresh. The complainant alleged that he was not properly treated by the concerned doctors of BJRM hospital. He made the following requests:

- a) Advice on to how he can get his certificate corrected;
- b) It should be ensured that people are guided properly regarding any issue and are not misled. The hospital authorities must know the

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correct guidelines and should realise that all that they are doing is their duty which their job entails; and

c) A direction should be issued to the concerned authorities to make their procedure for issuing certificates quick and to ensure that the ongoing practice of harassing persons with disabilities for instance, making them visit the hospital five times for a certificate, be immediately stopped.

3. The complaint was taken up with the respondent No. 1 under the Rights of Persons with Disabilities Act, 2016 hereinafter refer to the Act vide notice dated 08.08.2018.

4. Additional Medical Superintendent, Hindu Rao Hospital vide letter dated 21.08.2018 informed that the complainant was issued Disability Certificate No.185 dated 12.08.2011 based on the particulars provided in the OPD Card. His name in the OPD card is the same as mentioned in the Disability Certificate. Hence there is no fault on the part of the Hospital. As regards correction of the spelling, the same cannot be made on the existing certificate as the doctors who had issued Disability Certificate have retired or transferred. It has further been submitted that as per existing practice, old certificate is to be surrendered and new certificate is to be issued after fresh medical examination by the approved board of the notified hospital. The

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complainant was accordingly guided. As Hindu Rao Hospital has been allocated North District, the complainant, who is resident of North-West, Delhi cannot be entertained.

5. In his rejoinder dated 24.10.2018 complainant submitted that as only the spelling of his name is to be corrected, Hindu Rao Hospital should not shift the responsibility.

6. Upon considering the reply of the Hindu Rao Hospital, the rejoinder of the complainant and keeping in view of the fact that a mere correction in the Disability Certificate could be made by the issuing hospital irrespective of the change in jurisdiction and absence of guidelines to deal with such situations, Medical Superintendent, BJRM Hospital and Pr. Secretary, H&FW Deptt. were impleaded and a hearing was scheduled on 03.12.2018. The respondents were also directed to inform by 06.11.2018 why the correction in the disability certificate should not be made by respondent no. 1 within 7 days of the receipt of the notice dated 29.10.2018.

7. As none of the respondents responded to the notice dated 29.10.2018, hearing had to be held on 03.12.2018.

8. The complainant reiterated his written submissions and added that while he does not remember whether he submitted any document at

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the time of preparation of OPD card in 2011, he is quite sure that he carries no document that spells his surname as 'Goel'. In all his documents such as Aadhaar, PAN Card, Matriculation and other educational certificates, his surname has been spelt as 'Goyal'. Therefore, there is no possibility that he might have submitted any document with his surname spelt as 'Goel'. It could therefore be a mistake on the part of hospital staff which should have been corrected without putting him to so much humiliation and inconvenience.

9. Dr. Seema, who appeared on behalf of Medical Superintendent, BJRM Hospital, the respondent no. 2, submitted that when the complainant approached the hospital for fresh disability certificate, he was informed that it would take two months to issue a new disability certificate as there is acute shortage of doctors in that hospital for a large population to be catered by the hospital. The hospital has only one specialist each in Orthopedics, Ophthalmology and Surgery Department. There is no specialist/ doctor in neurology and psychiatry. They have not received response to their request for providing adequate number of doctors to Health & Family Welfare Department. She also submitted that there is no need to reassess the disability of the complainant and therefore Hindu Rao Hospital should issue the

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corrected disability certificate, which was issued by that hospital when North West Delhi was under its jurisdiction.

10. The representative of Hindu Rao Hospital, the respondent no. 1 after consulting Dr. Dinesh Negi, Incharge, Medical Record Deptt. submitted that the complainant will be issued a afresh Disability Certificate on 05.12.2018 when the Medical Board assembles if the complainant appears before it along with all the required documents.

11. Dr. Yogesh Katariya, Nodal Officer, DHS subsequently informed that the Health & Family Welfare Department is also of the opinion that such corrections in the disability certificates, which do not result in change in percentage or category of disability, should be carried out by the issuing hospital after satisfying themselves of the genuineness of the request and submission of supporting documents.

12. It is a matter of concern that the complainant had to make rounds of the two hospitals and file a complaint in this court. Even after the notice dated 29.10.2018 with a specific suggestion by this Court, respondent No.1 did not deem it fit to consider a genuine request and deal it with the required sensitivity and avoid putting the complainant to such inconvenience.

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13. It is observed that the surname of the complainant has been spelt as 'Goyal' in his Aadhaar and PAN card. It is also observed that the percentage of disability of the complainant has been corrected by the issuing authority in Hindu Rao Hospital in the original disability certificate dated 12.08.2011. The complainant may face difficulties in availing concessions / facilities on account of that overwriting as well. The concerned medical authority in the Hindu Rao Hospital therefore, should have proactively taken initiative to issue a fresh disability certificate instead of asking him to go to BJRM Hospital. The submissions of the complainant and the avoidable inconvenience caused to him calls for sensitization of all concerned in the hospitals so that the persons with disabilities are treated with respect and dignity.

14. In the facts and circumstances of the case and in light of the submissions on behalf of respondent no. 1, the complainant was advised to report to Hindu Rao Hospital on 05.12.2018 (F/N). Respondent no. 1 would issue him a Certificate of (Disability) in the prescribed form on the same day and intimate this court by 07.12.2018.

15. The complainant, who advised to inform this court, has informed vide email dated 05.12.2018 that a fresh certificate of disability has been issued to him by respondent No.1.


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16. Respondent no. 1 & 2 are advised to issue appropriate instructions to all concerned in their respective hospitals to deal with persons with disabilities with respect and dignity. Priority in attendance and treatment of persons with disabilities be also ensured as mandated under section 25(1)(c) of the Act.

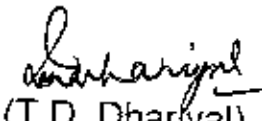
17. Health & Family Welfare Department, the respondent no. 3 is also advised to issue advisories to all the hospitals for ensuring proper facilitation of assessment and issuance of disability certificates to persons with disabilities as per the prescribed rules and preference in attendance and treatment in accordance with the provisions of the Act mentioned in Para 14. Posting of specialist doctors in the required disciplines for assessment and certification of disabilities be also ensured in the hospitals notified for the purpose.

18. Action taken report on the above advice / recommendations be intimated to this Court within three months from the date of receipt of this order as required under section 81 of the Act.

19. The matter is disposed of with the above recommendations.

20.  my hand and the seal of the Court this 6th day of

December, 2018


(T.D. Dhariyal) 6/12/18

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