

**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. 806/1121/2019/03 /1787-1789

Dated: 10.04.2019

In the matter of:

Sh. Kapil Kumar Aggarwal (Complainant)

Federation of Disabled Rights

Sh. Shivam Goswami (Victim)

G-332, Mangolpuri,

New Delhi-110083

..... **Complainant**

Versus

The Secretary,

Deptt. of Health & Family Welfare,

Govt. of NCT of Delhi,

9th Level, A-Wing, Delhi Secretariat,

New Delhi-110002

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

The Medical Superintendent,

G.B. Pant Hospital,

1, Jawaharlal Nehru Marg,

New Delhi-110002

.....**Respondent No 2**

ORDER

Sh. Kapil Kumar Aggarwal, National President of Federation of Disabled Rights filed a complaint dated 09.03.2019 on behalf of Sh. Shivam Goswami, a person with 90 % disability under the Rights for Persons with Disabilities Act, 2016, hereinafter referred to as the Act. The complainant alleged that Sh. Shivam Goswami was issued Railway

Concession Certificate on 21.04.2012 and 06.02.2017 by G.B. Pant Hospital. He lost the certificate and therefore approached G.B. Pant Hospital for issuing fresh Railway Concession Certificate. G.B. Pant Hospital directed him to IHBAS, who advised him that the hospital which issued the Disability Certificate should reassess him and issue the Railway Concession Certificate.

2. The complaint was taken up with the respondents Vide letter dated 19.03.2019 pointing out that persons with disabilities and their families were being harassed by the concerned authorities without appreciating the tremendous trouble such persons with disabilities and their families have to undergo.” and the respondents were directed to submit reply by 01.04.2019. Secretary (Health & Family Welfare) was also advised to issue directions that the hospital / authority which issued the original certificate shall reassess / re-issue the Disability Certificate irrespective of change in jurisdiction.

3. When no response was received by the due date i.e. 01.04.2019, the complainant was contacted on his given telephone number. He informed that G.B. Pant Hospital has issued the Railway Concession Certificate. Vide letter dated 30.03.2019 Dr. A.K. Mishra, Pr. Consultant in Medicine (HAG), Chairman Disability Certificate Cell, G.B. Pant Hospital also informed that the Railway Concession Certificate has been issued to Sh. Shivam Goswami.

4. However, a copy of the direction issued to the hospitals / authorities as recommended by this Court has not been received from Deptt. of Health & Family Welfare.

5. In view of the above, while the complaint is disposed off, it is recommended that Secretary, Deptt. of Health & Family Welfare should issue the Circular as recommended vide order dated 14.03.2019 in case no. 722/1121/2019/02 on priority and inform this Court by 13.06.2019.

4. Given under my hand and the seal of the Court this **10th day of April, 2019.**

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