

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

Dated:16.10.2019

Sh. Arun Shah,
Executive Director
Delhi Association of the Deaf,
C-12 Qutub Institutional Area,
Hauz Khas, New Delhi-110016.

.....Complainant
Versus

.....Respondent

ORDER

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2. The matter was referred to Engineer-in-Chief, PWD vide letter dated 23.05.2019. The Nodal Officer for accessibility in PWD, referred the matter to Superintending Engineer (South) vide letter dated 11.06.2019. Thereafter a reminder was issued on 26.06.2019. As there was no response, a hearing was scheduled on 03.09.2019.

3. During the hearing Sh. Arun Shah added that the association had to make a lot of efforts to get the road repaired around six years ago. On interacting with Sh. Mohal Lal, S.E., Nodal Officer and Sh. Madal Lal Azad, SE (South-East), it transpired that Sh. Sarvan Kumar, SE (South) maintenance was the concerned officer who informed that the ownership of the road in question is with South DMC not PWD.

4. In view of this, Commissioner, SDMC was impleaded and Engineer-in-Chief, PWD was removed from the array of respondents. The position was also clarified by Executive Engineer South Division Road-2 vide letter dated 09.08.2019.

5. Vide email dated 27.09.2019, SDMC submitted a status report as per which the road was inspected by the area JE (Maintenance) and found that the road from C-1 (Jeet Singh Marg) to C-4 (Dhalao) is under the jurisdiction of PWD Delhi. Whereas from C-5 to C-12 is under the jurisdiction of Ward No. 61-S EE-M-S-I, SDMC, which is made of Cement Concrete long time back which is eroded all over. However, there is no pot hole as alleged in the complaint. After receiving the complaint, the department has repaired the eroded portion. Photographs after repair of the said road were also attached.

6. During the hearing, Sh. Santosh Kumar Pathak, JE, SDMC, Ward 61(S) stated that as per the availability of fund the road repair work has been done. The re-laying of concrete however will be done after receipt of requisite budget.

7. The respondent as well as the complainant may make efforts to get the funds from various sources including MPLADS and try to reconstruct the road as soon as possible, so that the Members of the Association who are persons with deafness and also Senior Citizens do not feel discriminated as I have personally seen that the other neighbouring roads/ lanes are well maintained. Unavailability of funds, coming into force of Model Code of Conduct due to some elections, etc. should not be cited as the reason for not providing the facility of a good road for use by the Members of the Association.

8. This court be informed of the action taken in the matter within 3 months from the date of receipt of this order as required under Section 81 of the Act which reads as under:

“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.”

9. The complaint is disposed of.

10. Given under my hand and the seal of the Court this 15th day of October, 2019.

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