

**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-110002  
Phone-23216003-04, Email: comdis.delhi@nic.in  
[Vested with powers of Civil Court under the  
Rights of Persons with Disabilities Act, 2016]

**Case No.2437/1121(UDID)/2021/12/4016-18**

**Dated:22-02-22**

**In the matter of:**

**Sh. Ashok Kumar,**  
J-7, Keval Park, Azad Pur,  
Delhi-110033.  
(Email: jantakasewak1@gmail.com).....**Complainant**

**Versus**

**The Medical Superintendent,**  
BabuJagjivan Ram Memorial Hospital,  
Govt. of NCT of Delhi,  
Jahangir Puri, Delhi-110054.  
(Email: msbjrmh.delhi@nic.in) .....**Respondent No.1**

**The Pr. Secretary,**  
Department of Health and Family Welfare  
GNCT of Delhi, 9<sup>th</sup>Level, A-wing,  
I.P. Estate, Delhi Secretariat,  
New Delhi-110002. ....**Respondent No.2**

**Date of Hearing: 22.02.2022**

**Present:** Shri Ashok Kumar, Complainant  
Shri Rahul Jain, Counsel of the Complainant  
Dr.Seema, Chairman (Disability Board), BJRMH, on  
behalf of Respondent No.1  
Dr.YogeshKataria, DHS, on behalf of Respondent  
No.2

**ORDER**

Shri Ashok Kumar, the complainant vide email dated 06.11.2021 filed a complaint against Dr. A.K. Saini, Medical

Superintendent, BabuJagjivan Ram Memorial Hospital under the Rights of Persons with Disabilities Act 2016, hereinafter referred to as the Act. The complainant inter-alia alleged that Dr. A.K. Saini, M.S., BJRM had issued forged disability certificate No. DL0240419630002711 dated 20.01.2021 to Shri L.N. Sharma, working as Pharmacist in the same hospital indicating permanent Hearing Impairment disability (both ears) as 95%. He further alleged that Shri L.N. Sharma can perform various activities like driving, hearing over telephone and may try to avail the benefits like double T.A. on the basis of forged disability certificate. He further submitted that Shri Rakesh Kumar Sharma, Sr. Accounts Officers is saving both the officers. The complainant has requested to take strict against them.

2. The matter was taken up with the Medical Superintendent, BabuJagjivan Ram Memorial Hospital, Govt. of NCT of Delhi vide letter dated 07.12.2021 followed by reminder dated 12.01.2022. However, no response was received.

3. The complainant vide letter received in this Court on 28.01.2022 submitted that he is receiving threats from some unsocial elements who are pressurising him to take back the complaint. He further added that if any harm is done to him or his family, Dr. A.K. Saini and Shri L.N. Sharma be held responsible. A hearing was therefore scheduled on 22.02.2022.

4. During the hearing, complainant reiterated his submissions and added that during his visit to BJRMH, Shri L.N. Sharma misbehaved with him on the issue of non availability of certain medicines. Representative of Respondent No.1 submitted reply dated 21.02.2022 vide which it was submitted that Shri L.N. Sharma, Pharmacist has been working in BJRMH since 01.04.2008. Copies of Disability

Certificates issued to him in the year 2015 and 2021 were also furnished and was submitted that record of Disability Certificates have been checked and found to be genuine. It was further submitted that the certificates have been issued on the basis of the prevalent guidelines and parameters for disability of Hearing Impairment of the person by the Disability Board. It was also added that only the 'Disability Board' is authorised to issue the Disability Certificate and Medical Superintendent of the Hospital has no role to issue a Disability Certificate. Therefore, the allegation of connivance of M.S. in issuing the Disability Certificate is completely denied. Shri L.N. Sharma has applied for claiming the double TA as applicable but the same has not yet been considered by the Hospital Authorities.

5. After due deliberation and discussion, it was observed by the Court that the allegation of connivance of Medical Superintendent in issuing the Disability Certificate is not correct. However, with regard to genuineness of the Disability Certificate and other issues, it is recommended that:-

- (i) A fresh Board be constituted by Respondent No.1 to assess the disability of Shri L.N. Sharma, Pharmacist and check whether he can drive with or without Hearing Aid taking into account the orders of the Ministry of Surface Transport, Govt. of India, on the subject.
- (ii) Respondent No.1 in consultation with R.T.O. concerned should see if Shri L.N. Sharma, Pharmacist can be allowed to drive with 95% Hearing Impairment and can a Driving License be issued to him taking into account his disability.
- (ii) Respondent No.1 should counsel and sensitise Shri L.N. Sharma, Pharmacist and other staff of the Hospital for their behaviour towards general public visiting the Hospital and ensure a cordial and civilised environment at all times.

6. This court be informed of the action taken on the above recommendations within 3 months from the date of receipt of this order as required under section 81 of the Act.

7. The complaint is disposed of with the above recommendations.

8. Given under my hand and the seal of the Court this 22<sup>nd</sup> day of February, 2022.

**(Ranjan Mukherjee)**  
**State Commissioner for Persons with Disabilities**