

**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: 011-23216003-04, Email: comdis.delhi@nic.in

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

Case No.3010/1024/2023/05/192-194

Dated:18-01-2024

In the matter of:

Sh. Rajender Prasad.

S/o Late Sh. Ghanshyam Rana

.....**Complainant**

Versus

The Principal,

Govt. Boys Sr. Sec. School,
Shivaji Park, Shahdara

The Dy. Director (North East-II)

Dte. of Education

.....**Respondents**

Date of Hearing: 18.01.2024

Present: Sh.Rajender Prasad, Complainant alongwith his mother.

Dr. Ajay Kumar, Principal, GBSSS, Shivaji Park, Sh.
Rajeev Sharma, PGT (Eco) & Ms. Harpreet Kaur, DDE-
Zone-5 appeared on behalf of Respondents.

ORDER

The complainant, a person with more than 40% locomotor disability filed a complaint dated 10.05.2023 under the Rights of Persons with Disabilities Act, 2016 hereinafter referred to as the Act regarding his grievance relating to addition of his name in the family pension of his father Late Sh. Ghanshyam Rana (PPO No. 0680370901648). He further alleged that he had already submitted the requisite documents in this regard but the Head of School,

GBSSS, Shivaji Park, Shahdara, Delhi is not taking any action on his claim as the matter is still pending.

2. The matter was taken up with the Principal / HoS, Govt. Boys Sr. Sec. School (GBSSS), Shivaji Park, Shahdara Dte. of Education vide letter dated 22.05.2023. Respondent vide letter dated 27.05.2023 and 31.10.2023 informed that all the allegation levelled by complainant is false and fabricated as the matter is under process. Further the up to date status of the case was submitted as under:-

i) Smt. Chander Kali w/o Late Shri Ghanshyam Rana (Retired Person) vide letter dated 22/02/2022 requested for inclusion of the name of her disabled son Mr. Rajender Prasad in PPO No. 680370901648. The said request was forwarded to PAO VIII on 28/02/2022 for which working worthy AAO has made some specific observations.

ii) Having received the communication from AAO on 17/08/2022 an office letter vide No. GBSSS /SP/SHD/363 dated 22/08/2022 had been issued to Smt. Chander Kali, thereby requesting to submit the required records. Consequently Smt. Chander Kali submitted her reply on 12/09/2022.

iii) It is worth noted that as per medical certificate submitted by applicant Smt. Chander Kali with her application dated 22/02/2022, her son namely Sh. Rajender Prasad's disability (locomotor) has been certified as more than 40% whereas as per provision enumerated in Office Memorandum No. 1/27/2011-P & PW(E) dated 01/07/2013 issued by Ministry of Personnel, PG & Pension, Department of Pension & Pensioners' Welfare, Govt. of India, it is mandatory that the dependant of pension must be permanently disabled for earning livelihood. Keeping in view the provisions in above OM dated 01/07/2013 Smt. Chander Kali was requested vide letters dated 16/05/2023 & 06/06/2023 to provide medical certificate issued by the Medical Board indicating that the disability of Sh. Rajender Prasad S/o Smt. Chander Kali/

W/o Late Sh. Ghanshyam Rana is such a nature so as to prevent him from earning his livelihood but the required medical certificate has not been provided till date. Thus, the matter is still kept in abeyance for the want of required medical certificate.

3. Complainant vide rejoinder dated 20.07.2023 referred Para 6 of the Deptt. of Pension & Pensioners' Welfare, M/o Personnel, PG & Pensions, Govt. of India OM Dated 03.03.2020 regarding Co-authorization of permanently disabled child /children in PPO for Family Pension, which reads as under:

"The authorization shall be made in the PPO or by issuing a revised authority if a child / children or sibling is authorised for Family pension after issue of PPO (OM No. 1/27/2011-P&PW(E) dated 01.07.2013) . In view of the above, it is clarified that Pensioners may not be persuaded to furnish information such as name of guardian, photo of guardian and their Bank accounts details. Only details of disabled child or sibling alongwith disability certificate will suffice for processing the case of such a dependent for co-authorization in the PPO for family pension."

Hence, he claimed that the instant OM dated 03.03.2020 nullified Deptt. of Pension & Pensioners' Welfare earlier OM dated 01.07.2013.

4. In view of the above, the complainant was not satisfied with the response of respondent thus a hearing was scheduled on 18.01.2024 and both parties submitted their respective facts. Complainant reiterated his written submissions & again requested to consider his present Disability Certificate for processing his case. However, the representatives of Respondents reiterated their written submissions and added vide their written submission dated 16.01.2024 that the complainant was personally called on 10.01.2024 and explained at length the rule position and also provided copies of relevant part of hand book on family pension rules and Copy of OM No.

1/27/2011-P&PW(E) dated 01.07.2013 specifying Para 2 which reads as under:-

“Before allowing the family pension for life to any such son or daughter, the appointing authority shall satisfy that the handicap is of such a nature so as to prevent him or her from earning his or her livelihood and the same shall be evidenced by a certificate obtained from a Medical Board comprising of a Medical Superintendent or a Principal of a Director or Head of the Institution or his nominee as Chairman and two other members, out of which at least one shall be a Specialist in the particular area of mental or physical disability including mental retardation setting out, as far as possible, the exact mental or physical condition of the child”.

Thus they again submitted that they have no issue in processing the case of complainant but he should provide the requisite documents i.e. the mandatory Medical Certificate as per above condition of OM dated 01.07.2013.

5. Taking into account the submissions made by complainant, his mother and respondents, the Court is of the opinion that the pre-requisite requirement needs to be fulfilled by complainant thus, he is directed to submit the mandatory medical certificate regarding his ability to earn his livelihood as per provisions enumerated in Office Memorandum No. 1/27/2011-P & PW(E) dated 01/07/2013 issued by Ministry of Personnel, PG & Pensions, Department of Pension & Pensioners' Welfare, Govt. of India to respondent for processing the case further. Respondent is also directed to take immediate action on receipt of above requisite medical certificate from complainant and redress his grievance at the earliest.

6. Accordingly, the case is disposed of.

7. Given under my hand and the seal of the Court this 18th day of January, 2024.

(Ranjan Mukherjee)
State Commissioner for Persons with Disabilities