



सत्यमेव जयते

न्यायालय मुख्य आयुक्त विकलांगजन
COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES
विकलांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities
सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment
भारत सरकार / Government of India

Case No.4685/1141/2015

Dated 13.04.2017

In the matter of:

Shri Tapan Maji,
Secretary, Saririk Pratibandhi Unnayan Samiti,
5, Indian Type Hostel, Tagore Avenue,
Durgapur – 713204

.... Complainant

Versus

Artificial Limbs Manufacturing Corporation of India,
Through: The Chairman & Managing Director,
G.T. Road, Kanpur-208016

.... Respondent

Date of Hearing – 16.11.2016 and 07.02.2017

Present:

16.11.2016:

None appeared on behalf of the parties

07.02.2017:

- (1) None appeared for the complainant
- (2) Shri R.K. Mathur, DGM, ALIMCO on behalf of respondent

ORDER

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The above complainant filed a complaint dated 26.06.2015 under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to as the 'Act' regarding not passing the bills of three camps i.e. one CSR and two SSA by the Regional Marketing Centre, Kolkata, Artificial Limbs Manufacturing Corporation of India (ALIMCO).

2. The complainant submitted that Saririk Pratibandhi Unnayan Samiti, Durgapur submitted the bills of three camps, one CSR and two SSA which have not been passed by the Regional Marketing Centre (RMC, ALIMCO). Due to this phenomenon an adverse audit report was generated affecting their future programme. The complainant also submitted that this was happening due to non-

compliance of unethical proposal of Shri Prabhat Kumar Hazra Chowdhury working as casual P.O. in RMC, Kolkata. The complainant requested to intervene into the matter.

3. The matter was taken up under Section 59 of the Act with the respondent vide this Court's letter dated 13.07.2015.

4. The respondent filed their reply dated 29.09.2015 and submitted that the complainant was deputed by RMC, Kolkata for taking measurements and fabrication work of the aids and appliances for SSA camp at Burdwan (2nd phase) from 29.11.2013 to 04.01.2014. The complainant took 542 nos. measurements in the aforesaid camp. Out of the total bills amounting to Rs.2,11,617/- of the complainant, an amount of Rs.1,63,200/- was released prior to complainant's letter dated 10.02.2015. A balance of Rs.48,417/- was held because the complainant, inspite of repeated reminders, did not draw the kits and components from RMC, Kolkata for fabricating the 542 nos. measurements. The respondent was unable to distribute the fabricated appliances and was getting regular reminders from the concerned SSA Authority for the distribution of the 542 cases for which measurements were taken by the complainant.

5. The complainant filed his rejoinder dated 08.10.2015 and submitted that his complaint was regarding non-passing of bills on the ground of non-compliance of unethical proposal received from the vested interests. The bills were submitted as long back as on 06.03.2014 i.e. in the financial year 2013-14. Work order for the supply of appliances was issued on 10.02.2015. The bills are raised after supplying of appliances. An amount of Rs.25,000/- was deposited as Security Deposit. Then for which reason the bills were kept pending. During that one year, the complainant visited at least twenty times at RMC Kolkata for releasing their bills. The complainant further submitted that they received only one letter dated 10.02.2015 from respondent and answer of which was given on 11.02.2015. The complainant requested for release of Rs.64,090/- from the respondent, on account of various bills of Canning Camp, Burdwan Camps, Purulia Camp, etc.

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6. This Court vide letter dated 19.11.2015 forwarded a copy of rejoinder dated 08.10.2015 to the respondent for submission of their comments.

7. The respondent vide letter dated 09.12.2015 submitted that since the complainant was not satisfied with their books of accounts and also issue of non-

demanding of kits for fabrication of assistive device for 542 Nos. CWSNs. whose measurement was taken by complainant, they would contact the complainant to resolve the issue and that would take some more time. The respondent requested to grant some more time to submit comments.

8. The respondent vide letter dated 01.02.2016 reiterated their earlier reply and submitted that the balance of Rs.48,417/- was to be paid to the complainant due to not drawing the kits of components from ALIMCO for making the Prosthetics and Orthotics, as a result of which the persons with disabilities were suffering adversely. The respondent requested this Court to advise the complainant to submit the sizes taken by them during the assessment camp so that necessary Prosthetics and Orthotics be provided to the beneficiaries under the SSA Scheme of the Govt. of India; and the balance payment could be made to the complainant. The respondent also submitted that in case the complainant is not interested to make Prosthetics and Orthotics, an alternative arrangement may be made for making the same from other Fabricating Agency.

9. This Court forwarded the reply dated 01.02.2016 to the complainant for submission of their comments.

10. The complainant filed their comments dated 29.08.2016 reiterating their earlier submissions and requested to arrange for releasing balance payment of Rs.64,090/- from the respondent.

11. Upon considering the replies received from the respondents and the rejoinders received from the complainant, the case was scheduled for personal hearing on 16.11.2016, vide Notice of Hearing dated 09.11.2016.

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12. During the hearing on 16.11.2016, none of the parties appeared nor was any intimation received about their inability to attend the hearing despite the fact that the Notice of Hearing was sent on 09.11.2016 by Speed Post. This Court noted with serious concern. However, the next hearing was fixed for 07.02.2017.

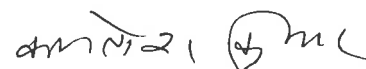
13. During the hearing on 07.02.2017, none appeared on behalf of the complainant.

14. The representative of the respondent filed their written statement dated 07.02.2017 and submitted that the Corporation, vide reply dated 01.02.2016, had

already justified its decision to withheld the amount of Rs.48,417/-. The respondent added that the complainant had submitted their bill immediately to RMC Kolkata Office after first phase distribution. The distribution was made in a haste manner and without taking care of proper sizes of fabrication of aids and appliances. Moreover, in case of ONGC CSR programme, the complainant fabricated aids & appliances which were having 03 years warranty for which the fabricating agency (the complainant) was allowed higher rate of fabrication charges by Corporation. The complainant also provided 03 years warranty certificate to ALIMCO for the fitted beneficiaries but despite repeated requests of ALIMCO, the complainant did not turn up for assistance of beneficiaries to solve the inconvenience of sizes of beneficiaries, belonging to remote part of rural areas. During distribution camp, Corporation's technical assessment team worked with the complainant to evaluate the quality of Orthotics & Prosthesis. Most of the items of the complainant were discovered to be defective which was acknowledged by Corporation's authorized P&O and the complainant. The complainant cannot blame for their own failure to fabricate the item, for which, complainant was entrusted with.

15. In the light of the documents/information made available by the parties and the submissions during the hearings, this Court observes that respondent has withheld the payment of Rs.48,417/- because the complainant has not provided to the respondent the necessary measurements/sizes taken during the aforesaid three camps for which the complainant was entrusted with. Moreover, the complainant is silent on this particular issue of not providing the necessary measurements/sizes to the respondent and the complainant has failed to substantiate his claim. Therefore, there appears no violation of the Act and no direction can be given to the respondent.

16. The case is accordingly disposed off.



(Dr. Kamlesh Kumar Pandey)
Chief Commissioner for
Persons with Disabilities