



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.5241/1011/2015

Dated: 24.06.2016

In the matter of:

Dr. Nitesh Kumar Tripathi,
H. No. 08, A-1 Block,
Bengali Colony, Sant Nagar,
Burari, Delhi-110084.

D153

..... Complainant

Versus

Sree Chitra Tirunal Institute for Medical Science & Technology,
Through the Director,
Thiruvananthapuram-695011 (Kerala)

D154

..... Respondent

Date of Hearing : 13.06.2016

Present :

1. Complainant absent.
2. Ms. Aanchal Tikmani, Advocate, on behalf of the respondent.

ORDER

The above named complainant, a person with 65% locomotor disability filed a e-mail complaint dated 24.09.2015 before the Chief Commissioner for Persons with Disabilities under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to as the 'Act' regarding non-implementation of provisions of Persons with Disabilities Act by SCTIMST, Kerala.

2. The complainant submitted that Sree Chitra Tirunal Institute for Medical Science & Technology, Kerala has published an advertisement for various posts and the advertisement is not showing exact number of seats reserved for persons with disabilities. He also submitted that the respondent be directed to submit the 100 point reservation Roster for the persons with disabilities since 1995 till date, direct the respondent to implement the provisions of Persons with Disabilities Act, 1995 and also to conduct the Special Recruitment Drive for filling up the backlog vacancies for persons with disabilities. The respondent should take initiative for providing disabled friendly examination centre to the persons with disabilities in its campus as well as nearest possible to the home town of the PwD candidates. The respondent may not use word as Handicapped which is derogatory in nature which must not be repeated and suitable legal terminology must be used, full exemption for payment of application fee, age relaxation by atleast 10 years, extra time during examination or interview, travel expenses to attend interview alongwith an escort.

.....2/-



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3. The matter was taken up under Section 59 of the Act with the respondent vide this Court's letter dated 14.10.2015 followed by reminder dated 16.12.2015.

4. Despite reminder dated 16.12.2015, no reply was received, therefore, a hearing was scheduled on 13.06.2016.

5. On 13.06.2016, none appeared on behalf of the complainant nor any intimation received about his inability to attend the hearing despite the fact that the Notice of Hearing was sent on 19.05.2016 by Speed Post. This Court noted with serious concern, the utter disregard shown by the complainant by neither intimating his inability to attend the hearing nor caring to appear to explain his versions of the case.

6. The Ld. Counsel appearing on behalf of the representative submitted a copy of the para-wise reply of the complaint during the hearing which was taken on record. Among other things, he submitted that the Institute has already exempted the persons with not less than 40% disability from payment of application fee. Relaxation of upper age limit has also been extended to them. The other requirements of the complainant such as extra time during examination and interview, reimbursing travel expenses to attend written test and interview will be placed before the Governing Body for approval. Other usual facilities required to conduct the selection process disabled friendly is noted.

7. After hearing the representative of the respondent and after going through the record placed on file, the Chief Commissioner for Persons with Disabilities has taken a serious view in the matter. This Court is of the view that earlier also in the cases filed by the complainant, the complainant chooses not to attend the hearing in this Court. This Court observe that "it is evident from earlier record that complainant has filed the cases and not attended the hearing." This is very serious negligence from the side of complainant and consider as misconduct and disregard to the Court. Therefore, considering this the case is dismissed in default.

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