



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

Dated : 28.09.2017
Dispatch No.

Case No: 8061/1024/2017

In the matter of :

Shri V.K. Sharma,
Dy. Inspector General, R3761
Central Frontier HQ,
Indo-Tibetan Border Police Force,
Plot No. 163-164, E-8,
PO : Trilanga,
Bhopal,
Madhya Pradesh – 462 039

.....Complainant

Versus

Indo-Tibetan Border Police Force,
(Through Director General), R3762
Lodhi Road,
C.G.O. Complex,
New Delhi – 110 003

..... Respondent

Date of Hearing : 20.09.2017

Present :

- 1) Shri Vinod Kumar Sharma, the complainant – Present
- 2) Shri Davinder Pal, SAO (Pers), Shri Rajendra Prasad, DC (Office), Shri Vijay Kumar Pandey, Dy. Comdt./JAG, On behalf of Respondent – Present

ORDER

The above named complainant, had filed a complaint dated 02.06.2017 under the Rights of Persons with Disabilities Act, 2016, hereinafter referred to as the Act, against his transfer and denial of retention of Government accommodation allotted to him on the basis of rehabilitation and treatment of his son Master Kunal Sharma, a person suffering from Autism.

2. The complainant had submitted that he is presently posted at Central Frontier, IPBP Bhopal, Madhya Pradesh and has been allotted a Type -4, No.08 Government accommodation at 22nd Bn ITBP, Tigr, New Delhi for the purpose of rehabilitation and treatment of his Autistic child Master Kunal Sharma, who is now 24 years old. The complainant submitted that even after serving in the extreme hard areas of North East, his request to post him to Delhi was turned down on innumerable occasions. The place where the complainant is posted presently, do not have any

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camp facility or support system for his disabled child. The condition of his child has worsened further on his attaining the adolescence age and his affairs are extremely difficult to be handled by his mother alone. Furthermore, he has not left with enough service to give a cause of worry to the department as to how long they will need to extend the retention of accommodation. He was never issued any cancellation order as being done for all other officers of the department. He submitted that from North East region, he was posted to Bhopal, where he is serving as DIG (Operation), whose duties include to supervise the operations in Naxals affected areas in Chhattisgarh, which he is discharging to the satisfaction of his seniors inspite of having the acute problem at home. The complainant further submitted that he has been served a 'show cause notice' regarding eviction from his house.

3. The matter was taken up with the respondent under Section 75 (1) of the Rights of Persons with Disabilities Act, 2016, vide this Court's letter dated 05.06.2017.

4. As no reply was received from the Respondent, a hearing was scheduled on 20.09.2017 at 16.00 Hrs.

5. During the hearing, both the complainant and respondent submitted/reiterated their respective versions of the case. Based on the submissions and documents placed on record before this Court and after hearing the submissions of both the parties and considering the emergent need of appropriate rehabilitation and conducive environment for the complainant's dependent child, who is suffering from Autism and since this aspect is of prime concern for this Court in the present case, this Court reached the conclusion that with a view to provide an appropriate and conducive environment for the rehabilitation of the disabled dependent child of the complainant, it is not only requisite from the point of view of the statutory provisions in vogue in this context regarding the transfer of the complainant as well as and the allotment of entitled status accommodation to the complainant on the very basis that his dependent child is a person with disability, which have been considered as primordial and centric to the consideration of this Court, this Court directs the Respondent :-

- a) To allot the status Type V accommodation to the complainant to ensure the proper and appropriate rehabilitation of his disabled (Autistic) child ;

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- b) To consider the case of complainant for transfer to the region as requested by him in view of the disability of his child; and
- c) To confirm the compliance of the above two points (a) and (b) to this Court within 60 days from the date of receipt of this Order.
6. The case is accordingly disposed off.

(Handwritten signature)

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