



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.: 5388/1146/2015

Dated: 06.03.2017

Dispatch No.....

In the matter of :

Shri Prakash Yadav, 0831

.....Complainant

Versus

Union Bank of India ,
(Through the Chairman & Managing Director),
Union Bank Bhavan, 16th Floor,
239, Vidhan Sabha Marg, 0832
Nariman Point,
Mumbai - 400 021

.....Respondent 1

Union Bank of India ,
(Through the Field General Manager) 833
4th Floor, 66/80, Samachar Marg,
Fort,
Mumbai - 400 023

.....Respondent 2

Date of Hearing : 23.12.2016

Present :

1. Complainant - Absent
2. Shri Rajat Arora, Advocate- On behalf of Respondent

ORDER

KLC
The above named complainant filed a complaint dated 09.10.2015 under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to as the Act, regarding fraudulently availing the benefits earmarked for persons with disabilities.

2. The complainant submitted that Shri Gandhi who is working as Assistant Manager in Union Bank of India is having two Disability Certificates. One certificate dated 22.12.2006 issued by All India Institute of Physical Medicine & Rehabilitation, Mumbai and the second one issued by Bombay Hospital, Mumbai on 24.08.2007. The disability in the former case is 30% and 50% in the latter case. The complainant also submitted that Shri Gandhi falsely provided second certificate to bank for availing (i) Conveyance for blind and handicapped through Salary Slip (ii) for claiming deduction for Income Tax under Section 80U since 2007 and (iii) for not paying professional tax to

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Govt. of Maharashtra. He also submitted that he had taken up the matter with the Income Tax and Revenue Department of Government of Maharashtra.

3. The matter was taken up with the respondent under Section 59 of the Act vide Court's letter dated 03.12.2015.

4. A Show Cause Notice dated 10/16.08.2016 issued to both the Respondent 1 and Respondent 2 directing the Respondents to show cause as to why the penal action should not be taken against them and further directed them to clarify the issues along with copies of relevant documents within a period of 15 days.

5. The Respondent No. 1 vide letter No. CRLD/340/2016 dated 07.09.2016 stated that as per the certificate issued by All India Institute of Physical Medicine and Rehabilitation, Shri Sudhir Bhagwandas Gandhi has 30% disability and as per the disability certificate issued by Bombay Hospital, Shri Sudhir Bhagwandas Gandhi has 50% disability. He further stated that by providing the certificate issued by Bombay Hospital, Shri Gandhi availed conveyance for blind and handicapped employee, claimed deduction of income tax under Section 80U since 2007 and not paid professional tax to the Government of Maharashtra. He stated that the Shri Gandhi was examined by their Bank in detail and was found not tenable.

6. The representative on behalf of Respondent No. 1 & 2 vide letter dated nil has submitted that the Complainant has falsely alleged that Respondents have provided benefits of disability to Shri Sudhir B. Gandhi on the basis of disability certificate dated 22.12.2006 issued by All India Institute of Physical Medicine and Rehabilitation, Mumbai showing 30% disability. The fact is that Shri Gandhi was issued certificate dated 22.12.2006 by All India Institute of Physical Medicine and Rehabilitation, Mumbai showing 30% disability but Gandhi was never given any benefit on the basis of same. Hence, allegation of the complainant is fundamentally incorrect and misconceived. Subsequent to certificate dated 22.12.2006 as mentioned above, Shri Sudhir B. Gandhi was issued another certificate on 24.08.2007 showing 50% disability by a

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well reputed hospital, i.e. Bombay Hospital, which is though not a Government Hospital but is duly authorized by government departments like Indian Railways for grant of disability certificate and grant of travel concessions, hence it is competent to issue such a certificate for staff of Public Sector Banks (PSBs) too. He further stated that Ministry of Social Justice and Empowerment with view to simplify the process of issuing disability certificate, amended 'Disability Rules 1996' in Dec 2009 vide which a doctor can assess and issue the certificate even at PHC in case of visible disabilities such as amputations, complete paralysis and blindness. A specialist doctor can do so in other cases. Hence, certificate dated 24.08.2007 showing 50% disability issued by Orthopaedic Specialist serving with well reputed hospital, i.e. Bombay Hospital is in conformity with the spirit and requirement of amendment of 'Disability Rules 1996' in December 2009. He submitted that is only in Oct. 2011 on request of Shri Sudhir B. Gandhi, on production of certificates dated 22.12.2006 and dated 24.08.2007 an allowance of Rs.400/- p.m. was granted for conveyance. The exemption from paying professional tax @ Rs.200/- p.m. to state government and relief up to deduction of Rs.50,000/- in Income Tax U/s 80U of Income Tax Act was granted by respective authorities as per extent rules.

7. An hearing was scheduled in the matter on 23.12.2016.

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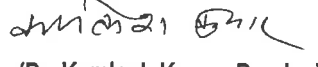
8. The complainant did not appear during the hearing. The complainant remained anonymous by not disclosing his identity or contact details since he registered the case with this court and till the time of hearing.

9. During the hearing the representative of the Respondent 1 & 2 informed the Court that the complainant has since retired from the bank after superannuation.

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10. After hearing the parties and after perusal of the records available, this Court observed that there does not seem any violation of the provisions of Persons with Disabilities Act, 1995.

11. The case is disposed off accordingly.


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