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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 2928/2017 & CM No. 3975/2018**
PARIKSHIT NAGPAL Petitioner
Through: None.

versus

UNION OF INDIA AND ANR Respondents
Through: Ms Gigi C. George, Advocate for
R-1 and R-2.
Mr Gautam Naryan, ASC, GNCTD
with Ms Shivani Vij, Advocate.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER
% **25.04.2019**

1. None appears for the petitioner.
2. The petitioner has filed the present petition, *inter alia*, praying as under:-

- a) Directing the Respondents to get the petitioner medically examined to assess the extent of his physical and mental disability.
- b) Directing the Respondents to issue a Disability Certificate under Section 58 of the Rights of Persons with Disabilities Act, 2016 upon application therefore by the Petitioner.
- c) Directing the Respondents to disburse Disability Pension to the Petitioner at the rate of Rs.25,000/- per month under Section 24(g) of the Rights of Persons with Disabilities Act, 2016.
- d) Directing the Respondents to issue appropriate orders in the name of Parishit Nagpal S/o Sh Ramesh Nagpal resident of 79, GF, Ambica Vihar,

Paschim Vihar, New Delhi-110087, enhancing the disability pension proposed to be awarded by the Respondent vide letter dated 12.01.2017.”

3. It is stated in the petition that the petitioner is suffering from mental illness and is unable to look after himself. It is stated that the petitioner's mother, Smt Manju Nagpal, was looking after the family but she passed away after a prolonged illness on 12.02.2017. The petitioner is currently residing with his father who is of an advanced age and is also ailing. It is stated that despite medical help, the state of the petitioner has not improved. The petitioner has filed the present petition expressing his state of helplessness.

4. On 21.08.2017, this Court had directed that an EWS card be issued to the petitioner and the necessary assistance for obtaining the same may be granted to him. The concerned SDM was also directed to make an enquiry for the said purpose. In addition, this court had also permitted the petitioner to approach the Nodal Officer, Delhi, Aarogya Kosh, GNCTD, who was further directed to ensure medical assistance to the petitioner.

5. This Court is informed that the EWS card has already been issued to the petitioner. Insofar as medical assistance is concerned, this Court is informed that the petitioner had not approached the Nodal Officer and, therefore, the necessary assistance could not be provided to him.

6. Mr Gautam Narayan, learned counsel appearing for the GNCTD has forwarded a copy of the communication received by him, which indicates that two welfare officers of the Health Department (Dr Ranjana Kakkar and Mrs Kiran) had visited the house of the petitioner. They have

reported that the external appearance of the house was very shabby. There were spider webs, dirt and dust in the veranda of the house. They have reported that after knocking for approximately five minutes, the door was opened by an elderly person (Mr Ramesh Nagpal). He, however, did permit them into the house and stated that his son had gone for court duty. However, on further inquiry with the neighbours, it was found that the petitioner was available in the house and, after much persuasion, the said officers could meet the petitioner. It is stated that the house was also in a despicable state. The averments made in the petition that the petitioner is living along with his elderly father, is confirmed by the said report.

7. It is reported that upon inquiry, the petitioner had informed the officers that he was suffering from depression and was taking treatment for the same. The Health Officer offered him further medical assistance, however he had declined the same.

8. Mr Naryan points out that the Disability Certificate from a concerned hospital is necessary for processing the petitioner's claim for disability pension and the unemployment allowance as provided under the Rights of Persons with Disabilities Act, 2016.

9. Since the petitioner has declined any assistance from the welfare officers, his claim for pension cannot be processed. In the given circumstances and considering the report submitted by the Health Officers, this Court directs as under:-

- a) the concerned SDM shall ensure that residence of the petitioner is regularly visited to ensure that basic necessities, including necessary level of nutrition, are available to the petitioner and his father;

- b) the Health Officers shall once again visit the petitioner's house within a period of two weeks and inform him that it would be necessary for him to obtain the Disability Certificate for processing his claim for pension;
- c) if the petitioner agrees to visit a hospital, the Health Officer shall take all steps to ensure that necessary assistance is granted to the petitioner to visit the hospital as expeditiously as possible;
- d) if after examination, it is found that the petitioner is entitled to a Disability Certificate, the same shall be issued to him as expeditiously as possible and, in any event, within a period of one week thereafter;
- e) once the petitioner had obtained the Disability Certificate, the concerned authority shall process the petitioner's claim for disability allowance without insisting on any further formalities.

10. If the concerned officer finds that the petitioner is required to be taken to a mental hospital then the Health Officers shall report the same to the concerned SHO. The SHO shall take all necessary steps under Section 100 of the Mental Healthcare Act, 2017 to verify the state of the petitioner and take the necessary steps thereunder

11. The petition is disposed of with the aforesaid directions.

12. It is clarified that the petitioner would be at liberty to apply afresh.

13. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

APRIL 25, 2019/MK