



## न्यायालय मुख्य आयुक्त दिव्यांगजन

**COURT OF THE CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)**

दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय/Ministry of Social Justice & Empowerment

भारत सरकार/Government of India

5वाँ तल, एन.आई.एस.डी. भवन, जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष : (011) 20892364

5<sup>th</sup> Floor, N.I.S.D. Bhawan, G-2, Sector-10, Dwarka, New Delhi-110075; Tel.: (011) 20892364

Email: ccpd@nic.in; Website: www.ccpd.nic.in

**Case no. - CCPD/13959/1024/2023**

### **In the matter of:**

Shri Sanjay Kumar Sena

**...Complainant**

### ***Versus***

Medical Superintendent,  
Employee State Insurance Corp. Hospital

**...Respondent**

## **RECORD OF PROCEEDINGS**

### **1. Hearing**

1.1 A hearing in hybrid mode (online/offline) was conducted on **02.04.2025**. The following parties/representatives were present:

<b>S. No.</b>	<b>Name &amp; Designation</b>	<b>For</b>	<b>Mode</b>
1	Shri Sanjay Kumar Sena	Complainant	Online
2	Advocate Shri Vikram Prasad	For Complainant	Online
3	Dr. M. P. Mijh, Medical Superintendent	Respondent	Online

### **2. Record of Proceedings**

2.1 Counsel for the Complainant reiterated the submissions in the complaint. It was stated that the Complainant, appointed as **Senior Pharmacist**, performs duties not limited to the medical store but also includes dispensing medicines, verifying prescriptions, and interacting directly with patients, thereby exposing him to infection risk. Accordingly, it was submitted that he is entitled to **Hospital Patient Care Allowance (HPCA)** and **Washing Allowance** under the applicable Government scheme.

2.2 Counsel submitted that the Complainant had received the allowances from **August 2009 to September 2010** (14 months), but they were discontinued thereafter without justification.

2.3 The Court noted that Counsel was making submissions on factual issues requiring direct confirmation from the Complainant. When asked about the authority to represent him, Counsel stated that an authorisation had been sent via email. The Court directed that all substantive factual questions be answered by the Complainant himself.

2.4 The Complainant submitted that other similarly placed employees were receiving HPCA and Washing Allowance, naming **Shri Sachin Kumar Mathi** and **Shri Sheikh Haider Ali**. He added that although the hospital had consistently been a 50-bed facility, the allowance was once discontinued based on an incorrect reading of the rules requiring a minimum of 30 beds, but later restored for others—yet not for him.

2.5 The Respondent submitted that HPCA is admissible only to **Group C and D employees** whose primary duties involve continuous and routine contact with infectious patients or infected materials and equipment. Employees whose duties involve only **occasional** contact are not eligible. As the Complainant was posted in the **Central Medical Store**, he was considered ineligible.

2.6 Upon being asked why HPCA was granted earlier (Aug 2009–Sep 2010), the Respondent clarified that during that period the Complainant was posted in the **dispensing unit**, making him eligible. Once transferred to the general medical store, the allowance ceased.

2.7 The Court noted that if similarly placed employees in the same cadre are receiving HPCA and Washing Allowance while the Complainant is denied the same without objective justification, the matter may raise an issue of **discriminatory treatment** under the RPwD Act, 2016. Conversely, if no similarly placed employee receives these allowances, the dispute would fall outside this Court's jurisdiction and lie before the **Central Administrative Tribunal (CAT)**.

2.8 Accordingly, the Court directed both parties to file **written submissions** clarifying:

(a) whether similarly placed pharmacists/store staff are receiving HPCA and Washing Allowance; and

(b) documentary evidence supporting their respective positions.

2.9 The Court further directed that if it is established that the Complainant alone has been denied the allowances while others in the same cadre receive them, the Respondent shall take **corrective action** and ensure compliance with the applicable rules.

2.10 Written submissions and supporting documents shall be filed by

both parties within **15 days** from the issuance of this Record of Proceedings. The matter is **adjourned** until further notice.

3. This Record of Proceedings is issued with the approval of the **Commissioner for Persons with Disabilities**.

**(P.P. Ambashta)**  
Dy. Chief Commissioner