



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
 5th 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. 14694/1141/2023

In the matter of-

Mr Satheesh Kumar KP

...Complainant

Versus

The Secretary,
 Department of Ex-Servicemen Welfare

...Respondent No. 1

General Officer Commanding in Chief,
 HQ Southern Command

...Respondent No. 2

The Director,
 The Directorate of Sainik Welfare,
 Thiruvananthapuram

...Respondent No. 3

1. Gist of the case:

1.1 Mr. Satheesh Kumar KP, a person with disability filed a complaint dated 19.11.2023 regarding denial of license of the shop. He is a battle-casualty amputee and former Army personnel, submitted that his shop license inside a Military Camp was denied despite official recommendations, alleging harassment, false allegations, demand for bribe, physical assault, and obstruction of employment by the Director of Sainik Welfare, after he invested ₹7 lakhs to set up the shop inaugurated in October 2021.

2. Notice issue to the Respondents and corresponding Reply

2.1. A notice was issued dated 15.12.2023 under the Rights of Persons

with Disabilities Act, 2016 (hereinafter referred as “the Act”), to which the Respondent replied dated 29.12.2023 and submitted that the shop was illegal, the Complainant violated procedures, abused and manhandled officials leading to an FIR, had prior disciplinary “red ink” entries, was unfit to run a shop or be appointed caretaker, though he was given temporary employment and ex-gratia aid, but misused his position; in rejoinder dated 22.01.2024, the complainant reiterated harassment claims, denied the allegations, and counter-accused the Director of multiple complaints and red entries.

3. Hearing I: A hearing in hybrid mode (online/offline) was conducted on 30.05.2025.

3.1. Proceedings of the hearing:

During the hearing, the Complainant alleged that Station HQ SSO-II removed his shop, causing harassment and loss of livelihood. Respondent No. 1 stated the matter falls under the Department of Military Affairs, not Ex-Servicemen Welfare. Respondent No. 3 appeared only due to the Complainant being an ex-serviceman. The Court asked the Complainant to produce a copy of any document conveying permission to operate in the military area. The Complainant presented only a recommendation from an MLA. The Court clarified that such a recommendation is not valid permission and directed the Complainant to provide proof of permission from either the Military Authorities or the Kerala Government within 15 days. The Court also agreed to implead the Department of Military Affairs as a Respondent in the matter and to invite them for the next hearing.

4. Response received from the Parties against RoP:

4.1 The Complainant vide email dated 23.06.2025 submitted that he is an ex-serviceman with a war injury, sought permission in 2021 to set up a HortiCorp shop near Pangode Military Camp. The Complainant claims discrimination, citing that other unauthorized shops exist in the area, yet his shop was removed without support from military or welfare authorities.

4.2 Respondent filed only covering letter to this Court there was no additional response against the RoP.

5. Hearing II: A hearing in hybrid mode was conducted on

23.10.2025, wherein following parties/representatives were present:

Sl. No.	Name and Designation of the Party/Representative	Parties	Mode
1.	Mr Satheesh Kumar KP	Complainant	Online
2.	Mr. Kishore Kumar, Deputy Secretary, Department of Ex-Servicemen Welfare	Respondent No.1	Online
3.	Ms. Sheeba Ravi, Director in-charge, Department of Ex-Servicemen Welfare	Respondent No.1	Online

5.1. Proceedings of the hearing:

5.1.1. The Respondent No.1 submitted that the shop in question was established without obtaining mandatory No Objection Certificate (NOC) from the military authorities. The location of the shop falls within the jurisdiction of a military station area. The Complainant was provided temporary permission on humanitarian grounds, which was subsequently withdrawn on 05.01.2022, an incident involving misconduct and alleged manhandling of officials occurred, leading to police intervention and registration of FIR. Consequently, the Complainant was blacklisted and evicted as per applicable military station regulations. It was further submitted that the Directorate of Sainik Welfare has no role in adjudicating land ownership or regulating activities within defence establishments, and therefore cannot grant the relief sought by the Complainant.

6. Observations and Recommendations:

6.1 The Court observes that in previous hearings, the Complainant was specifically recommended to submit documentary proof in support of his claim regarding land ownership and permission to operate the shop.

6.2 Despite being afforded sufficient opportunity, the Complainant has failed to produce any such documentary evidence before the Court.

6.3 The Court further observes that:

(a) Issues relating to defence land ownership, defence land jurisdiction, military regulations, and criminal proceedings fall outside the statutory jurisdiction of this Court under the RPWD Act.

(b) The scope of inquiry before this Court is limited to examining whether there has been disability-based discrimination or denial of rights guaranteed under the Act.

6.4 The conduct of the Complainant during the hearing was also taken note of. While the Court remains sensitive to issues faced by persons with disabilities, maintenance of decorum in judicial proceedings is mandatory.

6.5 In the absence of documentary proof and in view of jurisdictional limitations, the Court finds that no violation of the Act, is established in the present case.

7. In view of the facts, submissions, and observations recorded above, the Court holds that:

(a) The Complainant has failed to substantiate his claim by producing documentary evidence to prove that the land in question belonged to the State Government or that he had valid permission to operate the shop.

(b) No case of discrimination or denial of rights under the RPWD Act is made out.

(c) The Complainant is at liberty to seek appropriate remedies before the appropriate judicial or administrative forum with respect to issues of defence land ownership, eviction, or criminal proceedings.

8. Accordingly, the Complaint is disposed of.

Digitally signed by
S Govindaraj
Date: 19-09-2026
10:42:32

(S. Govindaraj)

Commissioner for Persons with Disabilities