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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 15647/2022

**TOSHIYAS THROUGH SECRETARY AND ORS ..... Petitioners**

Through: Mr. Divyam Aggarwal, proxy for Mr.  
Saurabh Kansal, Advocate.  
Petitioners in person.

versus

**UNION OF INDIA AND ORS ..... Respondents**

Through: Mr. Rahul Kumar Sharma, Advocate.  
Mr. Chetan Sharma, ASG with Mr.  
Ruchir Mishra, Senior Panel Counsel,  
Ministry of Railways.

**CORAM:  
HON'BLE MR. JUSTICE CHANDRA DHARI SINGH**

**ORDER  
24.07.2023**

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1. The instant writ petition has been filed by TOSHIYAS, a registered Society working towards safeguarding the rights and interests of persons with disabilities, seeking issuance of a writ in the nature of mandamus, thereby directing the respondents to take effective measure for compliance of order dated 25<sup>th</sup> October 2019 passed by the Court of Chief Commissioner for Persons with Disabilities (Divyangjan). The petitioner Society is represented through its Secretary, who is present today before this Court along with other members of the Society. The Secretary appearing in person submitted that the matter is pending before this Court since 2022 and

the respondents have not been cooperating in the effective disposal of the same. It is further submitted that the petitioners have not been adequately represented in this matter and they have been struggling to have their grievances addressed and redressed.

2. Upon hearing the members of the petitioner Society, it is apparent that they have been struggling to have their voices heard. The order, of which the petitioners are seeking execution, has been passed 2019 and even today, none is present before this Court from or on behalf of the respondent Departments to address and assist the Court in the instant matter. Even in the order dated 2<sup>nd</sup> May 2023, it was noted by the Predecessor Bench of this Court that despite passing of a significant period of six months neither were the instructions taken nor any counter affidavit or reply has been filed on behalf of the respondents. It is evident that the respondents have been dealing with the instant matter in a casual, cavalier and an insensitive manner.

3. This Court is saddened to see such a sorry state of affairs, where the members of the petitioner Society, being persons with disabilities and, over and above everything else, being citizens of this Country having an order in their favour passed by a Statutory Authority in the year 2019, are being compelled to move pillar to post seeking implementation of their rights. The Government of India formulates several Schemes for the welfare of the Society and the citizens of this Country, but thereafter the citizens are left on their own to reap and avail the benefits arising therefrom by seeking its implementation and execution, as the situation is in the instant case.

4. In the background of the entire situation that has been presented before this Court today and looking at the sensitivity of the case at hand, this

Court is left with no option but to request the learned Additional Solicitor General of the Delhi High Court to represent the respondents in the instant case and assist this Court in effective adjudication of the matter at hand. Mr. Ruchir Mishra, learned Senior Panel Counsel, is also requested to assist this Court and the learned ASG. The learned ASG sought some time to seek clear and definite instructions in the instant matter. Let the needful be done before the next date of hearing.

5. Mr. Saurabh Kansal, learned counsel, who has been engaged by the Delhi High Court Legal Services Committee, for the petitioner conveyed his inability to represent the petitioners in the instant matter and hence, prayed for discharge from the case. Accordingly, he is discharged from appearing on behalf of the petitioners in the instant matter.

6. On the request of the petitioner, and in the interest of justice, Ms. Lavanya Kaushik, Advocate, who is present in Court, is requested to argue the instant matter on behalf of the petitioner. Accordingly, intimation with regard to the appointment of Ms. Lavanya Kaushik, Advocate, be sent to the Secretary, Delhi High Court Legal Services Committee for disbursement of payment of fee as per rules. The petitioners or the Delhi High Court Legal Services Committee shall supply a copy of the complete paper book and other relevant documents to Ms. Lavanya Kaushik, Advocate.

7. Let the needful be done before the next date of hearing.

8. List on 10<sup>th</sup> August, 2023 for further consideration.

**CHANDRA DHARI SINGH, J**

**JULY 24, 2023**

Pa/ms

*[Click here to check corrigendum, if any](#)*