

From

Meenaxee Raj, HCS
Secretary,
Haryana Right to Service Commission,

To

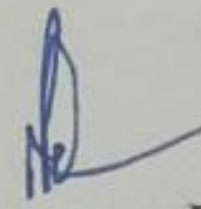
Sh. Ram Pal,
(the then FSO, Sonipat),
Now FSO, Fire Station, Sector-4,
Transport Nagar, Distt. Karnal,
Haryana.

Memo No:- 1682

Dated:- 02.10.2021

Subject:- Copy of Order

In Supersession of orders conveyed vide letter no. 1584 dated:- 27.09.2021, Haryana Right to Service Commission. Please find the copy of revised orders in the matter for kind information and further necessary action at your end. A prompt compliance will be much appreciated.

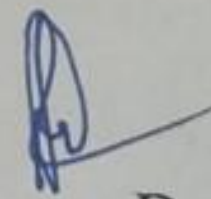


Meenaxee Raj, HCS
Secretary,
Haryana Right to Service Commission.

Endst No.

Dated:-

A copy is forwarded to the Director Urban Local Bodies, Haryana for information and necessary action.



Meenaxee Raj, HCS
Secretary,
Haryana Right to Service Commission



1. A suo moto notice no 762, dated 2/7/21 had been issued by the Right to Service Commission to Sh. Yasin Khan to furnish information pertaining to certain cases and to appear before me on 23/7/21 at 10.00 AM in person / through VC upon satisfaction of the Commission to the effect that Fire station officer Sonapat had failed to deliver the notified services pertaining to Department of Fire Services, Government of Haryana in District Sonapat.

2. In response to the same, Vide letter no 766/FSO dated 13/7/2021 a half-baked reply was furnished by FSO Sonapat which was received in Commission. The said officer attended the hearing on 23/7/21 through VC. After the hearing, a detailed order dated 23/07/21 was passed which reads as under:

In response to Show Cause Notice issued vide No. 762 dated 02.07.2021. Shri Yaseen Khan, FSO, Sonapat and Shri Rajinder Singh Dahiya, ADFO appeared through Video Conferencing today at 11.00 am. At the outset, FSO and ADFO were asked to explain as to why the report asked for vide ibid Show Cause Notice, which was to be sent by 18.07.2021, has not been sent as per format. They could not give any satisfactory reply but informed that from 1st April, 2021, 2138 applications had been received in respect of all the services pertaining to Fire Department out of which, 1235 were approved within notified time, 79 were approved beyond notified time and 824 were rejected. Regarding huge rejection on cases, ADFO explained that it was due to the reasons that either factories were closed due to Covid or because of closure of Kundli Border due to ongoing farmer agitation, some factory owners could not provide requisite documents/install equipment's. When asked about reasons for 79 cases which were approved beyond notified time, he did not have any answer except that there are different competent authorities to approve different industries which take time. For example, FSO/ADFO is competent to approve all cases upto one acre and those up to 15 Mtr. Height, while all other cases except cases of industries, go to Commissioner, Municipal Corporation. In case industries, DC is competent to approve for an area up to one acre and rest of the cases go to Director, ULB. He also explained that all the applications are submitted through online mode but simultaneously, the applications are also submitted physically because the present Portal does not have adequate bandwidth for loading numerous documents required to be submitted along with applications. Since, he was not able to explain



cases of delay, he requested for time which is granted. He is directed to send complete to delayed cases by 26.07.2021 evening in the following format:-

Sr. No. Name of the party Date of application Competent Authority Date of approval Delayed period Reasons for delay.

Note : While calculating the delay, he should take 'days' as working days.

If he fails to submit this information by 26.07.2021 evening Commission will be constrained to take coercive measures by exercising the power of Civil Court.

3. However, the information sent by the officer in compliance of the said order was perused and it was observed that in many many cases, there were inordinate delays in providing notified services. Therefore, the officer was asked to be present at HRTSC on 16/08/2021 with the files of cases at S. Nos 8,12,13,21 and 22 of the information sent by him. On date fixed, the officer Sh. Yasin khan appeared and brought the record of these five cases with him as directed.
4. The record furnished by him was perused in detail and in the case of M/s. Pooja Enterprises, a suo-moto notice was issued to Sh. Ram Pal ,FSO Karnal, the then FSO, Sonipatas to why penalty up to Rs. 20000/- may not be imposed on him for delay in processing the case and compensation may not be granted to the applicant for delay under section 17 (1) (h) of the HRTSC.
5. Sh. Ram Pal, FSO Karnal, the then FSO, Sonipat appeared for personal hearing in pursuance of the Show Cause Notice dated 24.08.2021. He reiterated the contentions contained in his reply dated 10.09.2021 as per which though the application was submitted by M/s. Pooja Enterprises on 29.05.2020, the file was marked to him by Sh. Satyawan, the then ADFO on 06.06.2020. He stated that he himself went to the factory for inspection twice but due to Covid-19, the factory was found closed. He also claimed that he tried to contact the owner of the factory at his Mobile No. 8199910203 but he could not contact him as he was Resident of Delhi. Due to closure of the factory, he could not inspect the factory in time and when it opened, he inspected the Fire Safety Equipment and submitted his report on 28.08.2020. In his defence, he has further stated that District Sonipat is a big industrial hub in which approximately 7000 industrial and other establishments are there and there is heavy workload of such cases. In the month of May, June, July, and August 2020 i.e. in 4 months, they had inspected 804 establishments, out of which 642 cases were cleared for issuance of Fire Fighting Scheme & NOC and 162 cases were rejected due to some deficiencies. He also claimed that he used to

live in the office even at night and he was attending to his duties dutifully. Despite adverse circumstances, he has done his job faithfully with full devotion and assured that in future, He will work more diligently. He also expressed regrets for delay in this case.

I have carefully gone through the facts and circumstances of the case. It is well-known that on 4th May, 2020, the lockdown was partially lifted and therefore, when the file was marked to him on 06.06.2020, it was not difficult for him to inspect the factory. When asked to produce evidence in support of the fact that he had went to the factory twice for inspection, he could not produce anything and stated that this was all verbal. This kind of arrangement where FSOs contact the factory owners/ Managers telephonically, leaves huge scope for manipulation/corruption. Ideally, immediately after marking of the case, he should have sent a written communication through e-mail or through telephone that the factory will be inspected at particular time on particular date [as is being done by some other Departments like Industries] and if twice, nobody was present or the factory was found closed, he should have entered notes to this effect in his file. However, no such entries were found and therefore, it seems that the FSOs contact the factory owners/ Managers telephonically and when some kind of 'arrangements' are arrived at (which is generally the allegation by public at large), they inspected the site and submit the report. This kind of procedure is not acceptable in the administration and clearly indicates irregular practices. No evidence has been produced by Sh. Ram Pal in support of his contentions and therefore, there is definitely delay in inspecting the factory for more than 2 months and 22 days. The case had been disposed off in 90 working days while the notified period for grant of the service is 60 working days. Therefore, finding Sh. Ram Pal guilty of delay in carrying out the inspection and submitting the report but considering the circumstances prevailing at that time, a token penalty of Rs. 1000 (One thousand only) is imposed upon him which be deposited in the State Treasury under the Receipts Head 0070-60-800-86-51 within one month of issuance of this order. It is hoped that not only Sh. Ram Pal FSO, Karnal but all his colleagues will perform their duties diligently in future.

Ordered accordingly.

