

From

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

To

Sh. Satyawar Samriwal,
(the then ADFO, Sonapat),
Now ADFO, Fire Station, Safidon Gate,
Distt. Jind, Haryana.

Memo No:- 1680

Dated:- 02.10.2021

Subject:- Copy of Order

In Supersession of orders conveyed vide letter no. 1590 dated:- 24.09.2021, 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.

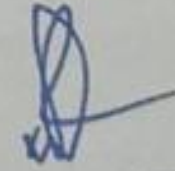


Meenaxee Raj, HCS
Secretary,
Haryana Right to Service Commission.

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 suomoto notice no 762, dated 2/7/21 had been issued by the Haryana 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 by 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 on going 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



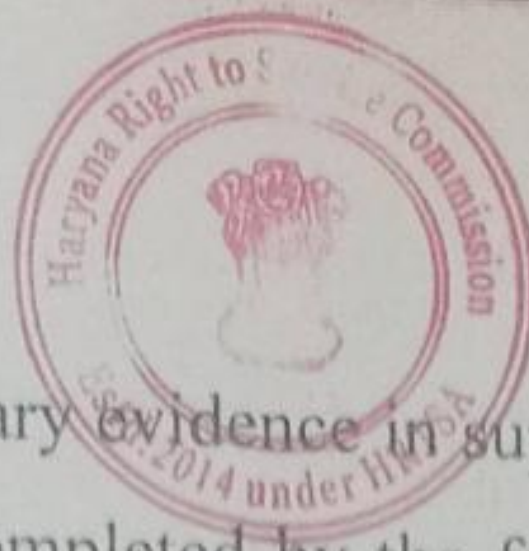
required to be submitted along with applications. Since, he was not able to explain cases of delay, he requested for time which is granted. He is directed to send complete to delayed cases by 26.07.2021 evening in the following format:-

Sr. No.	Name of the party	Date of application	Competent Authority	Date of approval	Delayed period	Reasons for delay
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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 BTW Pvt. Ltd..a suo-moto notice was issued to Sh. Satywan Samriwal , the then ADFO Sonapat as 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. Satyawan Samriwal appeared for personal hearing in response to Suo Moto Notice dated 24.08.2021. At the outset, he admitted that there has been a delay in this matter but attributed this delay on the part of the factory owner who verbally requested him to keep the case pending instead of rejecting it and sought time for completing formalities. He also reiterated his other contentions mentioned in the written reply dated 15.09.2021 as per which the Fire Officer had no mala-fide intention behind keeping the company's application pending. However, he admitted that as per rule, the company's application should have been rejected by the office due to incomplete fire equipments installations at the site which was not done in view of repeated verbal requests made by the company. After receiving intimation/telephone call from the company, inspection was made by him on 22.02.2021 (instead of 20.01.2021 as mention in the notice). If this is correct, then it is all the more serious because the inspection has been done after more than 4 months while the notified period for delivery of this services is 90 days. When



asked to produce the documentary evidence in support of his contentions that there were some formalities to be completed by the factory owner/management in this case, he could not produce any document. When asked to show when and how he or the Fire Officer contacted the Factory Owner, he stated that it was all verbal.

Haryana Right to Service Act, 2014 was enacted by the State legislature to ensure that notified services are delivered to the public at large in notified time. However, it has been ascertained that there are many departments which are not delivering the services in notified time. Rather, the public/the applicants are being harassed. Therefore, after review of the functioning of some of the field offices of Fire Department, a Suo Moto Notice was issued in this case. The facts of the case suggest clearly that all is not well with the functioning of the fire officers in the field where they work only on verbal communications. There is an impression that if any person does not act as per the "verbal instructions" of the fire officers in the field, their cases might not be processed. This kind of decay in the functioning of fire officers has to be stopped forthwith.

I have carefully considered facts and circumstances of this case. The administration by 'verbal communications' is not acceptable as it is prone to misuse. If the factory has to be inspected, a written communication should have gone to the factory owner or the manager at the registered address intimating the date and time on which inspection will be carried out and if there were any inadequacies, same should have been recorded on file. All this verbal game of communicating inadequacies, giving time to the owners verbally and then acting on only 'verbal communications' clearly suggest some kind of nexus between the factory owners and the Fire officers. It is only because of this that some of the Fire Offices have assumed notoriety in Haryana and people level all kind of allegations. Therefore, this is high time that these kinds of irregularities are stopped and if anyone is found indulging in such activities, they should be dealt with sternly. The case has been disposed of in 97 working days when the notified period is 60 working days. 60 working days are good enough to deal with such cases and there are no justifiable reasons given by Sh. Satyawan Samriwal which justify delayed action in this case. Therefore, maximum penalty of Rs. 20000/- is imposed upon him which should be deposited in the treasury receipt head account no. 0070-60-800-86-51 within 30 days of these orders. **The Director General, Fire Services Haryana is also directed to devise ways and means to streamline the**

functioning of field offices and issue detailed instructions to his field functionaries
for transparent working of Fire Department.

Ordered accordingly.



(T.C. Gupta)
CC, HRTSC
24.09.2021