HARYANA RIGHT TO SERVICE COMMISSION
S.C.O. No. 38 & 39 (2nd FLOOR), SECTOR 17-A, CHANDIGARH-160017
E-mail: rtsc-hry@gov.in Telephone: 0172-2711050

Memo No:- HRTSC/SM-47/HSVP/2021/0219 Dated:- 21.01.2022.
To

The Estate Officer-cum-
Designated Officer,
Haryana Shehri Vikas Pradhikaran,
Sonipat, Haryana.
E-mail:- eosnphsvp@gmail.com

Subject:- COPY OF ORDER

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I am directed to forward herewith a copy of the Order dated 20.01.2022 passed by the Hon'ble Chief Commissioner, Sh. T.C. Gupta, Haryana Right to Service Commission, Chandigarh in the case Sh. Rohit Narwal R/o 644, Sector-7, Gohana, Sonipat, Haryana complaint against HSVP sonipat for pending re-allotment letter for information and compliance.

Given under my hand and the seal of the Commission, this 20th day of January, 2022.

BY THE ORDER OF THE HARYANA RIGHT TO SERVICE COMMISSION AT CHANDIGARH.

Haryana Right to Service Commission Estd. 2014 under HRTSA

(Meenaxee Raj, HCS)
Secretary
Haryana Right to Service Commission
E-mail: rtsc-hry@gov.in

Encl: Copy of order

1. A complaint was received from Dr. Rohit and Mrs. Preeti resident of House No. 644, Sector 7, Gohana stating that they had obtained transfer permission (TP) in respect of House No. 644, Sector 7, Gohana in the year 2016 and had got the registry done. Therefore, they deposited the file in HUDA in December, 2016 for re-allotment but same is not being done despite 10 rounds of the office. He has even alleged that a bribe of Rs.40,000/- was being demanded and requested the Commission to get him justice. He has also stated that now he has ray of hope for justice after seeing the proramme of T.C. Gupta ji (undersigned) in Panipat.

2. This complaint was sent to the Estate Officer-cum-designated officer, HSVP, Sonepat on 04.10.2021 and when no reply was received, a reminder was sent on 09.11.2021. An interim reply was received vide memo No. 3759 dated 29.11.2021 from Estate Officer, HSVP, Sonepat stating that Smt. Sunita W/o Shri Jai Dev Verma (the seller) in his office on 13.10.2021 for bio-metric attendance but her attendance could not be captured in the system. His office had sought permission for bypassing the bio-metric attendance from the CA (Urban Branch), Panchkula and an email had been sent in this regard on 29.11.2021. As and when permission is granted for bypassing the bio-metric attendance, re-allotment letter will be approved as per HSVP policy. Since the notified period for issuance of transfer permission is 30 working days and same had expired and feeling dissatisfied with the reply of EO, Sonepat, a suo-moto notice dated 21.12.2021 was issued to the Estate Officer-cum-Designated Officer, HSVP, Sonepat, Haryana to appear before the undersigned on 19-01-2022 to ascertain the reasons for delay in delivery of notified service number 131 of HSVP beyond the prescribed timelines and further to decide whether any action for imposition of penalty /recommendation of departmental action is called for.

3. Accordingly, Shri Deepak Ghangas, Estate Officer-cum-Designated Officer, HSVP, Sonepat, Haryana appeared through VC before the undersigned at 11.30 am on 19.01.2022. A reply has also been received in this regard from the respondent. During the course of hearing, it was stated that Smt. Sunita Devi W/o Sh. Jaidav Verma applied for transfer permission in the name of Sh. Rohit and Smt. Preeti on 29.08.2016. Transfer Permission was granted on 08.09.2016 in the name Smt. Sunita w/o Sh. Randhir Singh but later on Smt. Sunita w/o Sh. Jaidev Verma applied for cancellation of transfer permission on 22.09.2016 on the ground that her husband's name was wrongly shown as Sh. Randhir Singh. Thereafter, Sh. Rohit and Smt. Preeti applied for re-allotment letter on 23.12.2016 but the same was rejected by the PPM system due to expiry of 90 days. Smt. Sunita Devi was informed the same by registered post that the documents submitted by her for issuance of re-allotment letter in this office on 16.12.2016 have been rejected by the PPM system due to expiry of 90 days and she was requested to deposit fresh transfer/ administrative fee including service tax, so that further action could be taken. Sh. Rohit submitted a fresh request for issuance of re-allotment letter and he was informed accordingly to deposit pending dues of Rs. 28621/-. The allottee applied for fresh transfer permission on 06.10.2021. The bio-metric attendance was not made on 13.10.2021 due to non-capturing of finger prints of seller i.e. Smt. Sunita Devi and allottee reschedule the transfer permission application

for 22.12.2021. The case for by-passing the bio-metric authentication was sent to Administrator, HSVP, Rohtak through data correction portal on 02.11.2021 and the bio-metric attendance was by-passed by HQ on 17.12.2021and when the attendance was by passed. the allottee was informed and the transfer permission was issued on 22.12.2021. Thereafter, Sh. Rohit and Smt. Preeti applied for re-allotment letter on 22 12.2021 and the same was issued on the same date i.e. 22.12.2021. In this regard, they have submitted a letter that they do not want to proceed further and to withdraw the complaint.

During the course of hearing, it was stated by Shri Deepak Ghangas that the allottee applied for fresh transfer permission on 06.10.2021. The bio-metric attendance was recorded on 13.10.2021 due to non-capturing of finger prints of seller i.e. Smt. Sunita Devi and allottee got the appointment for bio-metric capturing rescheduled to 26.10.2021 which again failed. Thereafter, on 27-10-2021 the applicant applied for seeking exemption from bio-metric attendance and the same was sent to Administrator, Rohtak for exemption on 02.11.2021 which was received on 17.12.2021 and transfer permission was granted on 22.12.2021.

4. The facts and Circumstances of the case have been carefully considered and the record has been consulted. It was ascertained from the record that because the office of EO, HSVP, Sonepat had sent incomplete record, the case was delayed at HQ level. The requisite proof of old age of the applicant was not sent by the office of EO, HSVP, Sonepat on 02.11.2021 and thus had to be resent on 26.11.2021 on querry by Administrator, Rohtak which was further forwarded by Administrator, HSVP, Rohtak to HQ on 11.11.2021. Be that as it may, the undersigned is of the considered opinion that the officer is running his office totally dependent upon Clerks and Assistants without applying his mind. First of all, he should have *suo-moto* applied for bio-metric exemption for the applicant on 13.10.2021 itself when the bio-metric capture failed for the first time. But instead of doing that, he waited till 26.10.2021 when the allottee had rescheduled his appointment whereupon it again failed and it was only after the allottee applied for seeking exemption from bio-metric capture that the EO, HSVP moved the case to HQ through Administrator, Rohtak on 02.11.2021. As if this was not sufficient to harass a senior citizen, while sending her case for the said exemption, his office omitted to send the old age proof of the applicant leading to undue delay in the matter. It is also interesting to note that after receipt of *suo-moto* notice dated 21.12.2021 from the Commission, the case was sanctioned on next day itself. The EO, HSVP also, without any application of mind, has unsuccessfully attempted to use the withdrawal of complaint by the applicant as a defence. Throughout the hearing, the officer appeared to have no clue regarding the case and was seeking time to clarify the details from his subordinates. The notified period for delivery of this services i.e. grant of transfer permission is 30 working days which has been drastically reduced to 4 days while issuing notification of the Haryana Government dated 03.12.2021. Infact, period of 30 working days had been prescribed earlier as the processing of the case was being done in offline mode and since now, the files are being processed in online mode, these permissions can be granted in matter of days and that is why, the period has been

reduced for delivery of notified services by HSVP and in this case, it is only 4 days now. However, in this case period of 30 working days will be applicable as the case is prior to notification dated 03.12.2021 but the service has been delivered in this case much after expiry of notified period of 30 working days as the application was submitted on 06.10.2021 and the permission has been granted on 22.12.2021. It is unfortunate that senior officers of the rank of Estate Officer are not alive to the problems of public because of which, such complaints are being received quite frequently. The complainant was suffering since 2016 and it is only after the intervention of the Commission that justice has now been done. It is intriguing that while the complainant earlier alleged that a bribe of Rs.40,000/- was being demanded from them but now they have given the satisfaction letter that they have now withdrawn this complaint as there is no dispute. Despite that, the designated officer cannot be allowed to go unpunished because of gross negligence in dealing with this case to drive home the point that such negligence shall not be tolerated by the Commission in delivering the notified services to the public in notified timelines. Thus, a penalty of Rs. 20,000/- is hereby imposed upon Shri Deepak Ghangas, EO, HSVP, Sonepat and he is directed to deposit the penalty of Rs, 20,000/- in the State treasury under the Receipts Head 0070-60-800-86-51 within 30 days of issuance of these orders. He is also directed to intimate the Commission alongwith photocopies of the Challan about the deposit of the amount in the State Treasury at e-mail id: rtsc-hry@gov.in within 30 days of these orders. If the amount is not deposited within the given time, further action will be taken by the Commission as per law.

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(T.C. Gupta)
CC, HRTSC
20.01.2022