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

ESTD. 2014 UNDER THE HARYANA RIGHT TO SERVICE ACT

File No. HRTSC/ MISC-Mines and Geology Dept.-018/0942 **Dated:** 10.03.2022

To

The Director General,
Mines & Geology Department, Haryana.
E-mail: dmg.mines-hry@nic.in

Subject:- Regarding Suo-moto notice under section 17 of the Haryana Right to Service Act, 2014.

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I am directed to forward herewith a copy of the order dated 09.03.2022 passed by Sh. T.C. Gupta, Chief Commissioner, Haryana Right to Service Commission, Chandigarh in respect of above case for information and compliance.

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

Encl: as above.

Haryana Right to Service Commission Estd. 2014 under HRTSA

(Sube Khan)
Under Secretary-cum-Registrar
For Haryana Right to Service Commission
E-mail: rtsc-hry@gov.in

Final Orders

(*In suo* moto notice No. HRTSC/MISC-Mines and Geology Deptt-018/1843 dated 19.10.2021 issued to Director General and notice *Nos. HRTSC/MISC-Mines and Geology Deptt.*-018/3426, 3427 and 3428 dated 16.12.2021 issued to Ms. Anjali, Mining Inspector, Shri Joginder Singh, Assistant and Ms. Mamta Dahiya, Assistant respectively of Mines & Geology Department, Haryana).

A meeting was held under the Chairmanship of Chief Commissioner, Haryana Right to Service Commission on 11.08.2021 during which a report was called from the Director General, Mines & Geology Department (DGMG) in respect of all the consolidated services for the month of August,2021. In response to the same, a report of the services was provided vide memo No. OMG/HY/RTS-II/2021/3692 dated 17.09.2021. The details of the report were perused by the Commission and it was found that there had been inordinate delay in delivery of notified services such as grant of license for new stone crusher and renewal of license for stone crushers. A summary of such inordinate delays wherein there has been no proper reasons or justification is being tabulated as under:

(Grant of New License of Stone Crusher)- **RTS- 21 DAYS**

S. No.	CAF Pin	Entity	Apply Date	District	Delay beyond RTS	Status
1.	4324528209	M/s Bharat Stone Enterprises	05.08.2021	Yamunanagar	27	Pending
2.	6981266880	M/s DM Stone Crusher	05.08.2021	Yamunanagar	27	Pending
3.	5032131113	M/s Aryavaarta Developers (P) Ltd.	19.08.2021	Yamunanagar	17	Pending
4.	8941453992	M/s Guru Nanak Minerals	21.08.2021	Yamunanagar	15	Pending

(Renewal of License of Stone Crusher)- **RTS- 21 DAYS**

S. No.	CAF Pin	Entity	Apply Date	District	Delay beyond RTS	Status
1.	6604166902	Ravi stone Crushing Mills	02.08.2021	Bhiwani	30	Pending
2.	9605713866	Diamond Crushing Plant	06.08.2021	Yamunanagar	26	Pending
3.	7851482367	Anurag Stone Crushing Company	11.08.2021	Bhiwani	23	Pending
4.	9585406641	Goverdhan Grit Udyog	12.08.2021	Nuh	22	Pending
5.	4975344938	Vishnu Grit Udyog	13.08.2021	Nuh	21	Pending
6.	661947191	R B Stone Crusher	16.08.2021	Charki Dadri	20	Pending
7.	719685100	United Stone Crusher	20.08.2021	Charki Dadri	16	Pending

Consequently, a *suo moto* notice dated 19.10.2021 was issued to DGMG to explain delays in above 11 cases by 29.10.2021 and also to appear for personal hearing on 02.11.2021 which was later on rescheduled to 02.12.2021.

2. A reply dated 10.11.2021 was received in response to above notice and Sh. Mohammad Shayin, DGMG and Sh. Parvesh Kumar Sharma, State Mining Engineer

(SME) appeared for personal hearing on 02.12.2021 in response to the suo moto notice no. HRTSC/MISC-Mines and Geology Dept-018/1843 dated 19.10.2021. Following orders were passed on 07.12.2021 in this case:-

> "For grant of new license in Yamunanagar, it was explained that while reviewing the total mining capacity of District Yamunanagar and the crushing capacity of the crusher units, it was found that there is big mismatch. It was also informed that the large number of crushing units which are not catered by the legally operating mines are purchasing raw material from illegal sources. Hence, the Department has taken decision of not granting fresh stone crusher license in the District Yamunanagar, as the approved mineral production quantity of the legal mines being operated in the district is extremely less compared to the total combined processing capacity of the already installed units i.e. 209 stone crushers and 388 screening plants. The Department has already rejected 02 stone crusher cases in district Yamunanagar. The cases are still pending as the opportunity of hearing before rejection has to be given to the applicant and the same is under process. The explanation in respect of delay in grant of new licenses in District Yamunanagar is accepted but DGMG is directed to decide these cases at the earliest as the timelines notified under Haryana Right to Service Act, 2014 have expired.
>
> On perusal of the files relating to renewal of licences, a strange thing was noticed i.e. while the movement of files in online mode is telling a particular story, the physical files were showing entirely a different picture. For example, in the case of renewal of license of stone crusher of Ravi Stone Crushing Mills, the file movement as sent by the DGMG vide his memo no. DMG/HY/RTS/5379 dated 10.11.2021 shows that file was submitted by the Assistant to ME (SS) on 06.09.2021 after depositing of the fees by the user but the physical file shows that same was submitted by the Assistant to ME (SS) on 18.10.2021. Moreover, the DGMG while sending *ibid* communication dated 10.11.2021 implicated himself by stating that he took 49 days (30 working days) to clear this file but the physical file shows that he cleared the file on 22.10.2021 i.e. on the same date when the file was submitted to him by the Joint Director on 22.10.2021. This story has been repeated in all the cases. It is unfortunate that the reply was sent by the DGMG without consulting his physical record. The two parallel systems are being operated in the Directorate i.e. submission of files through on-line mode and in physical mode but the submission of files through online mode has no sanctity because it is only when the file is submitted in physical form that the case is approved by the DGMG and then only, the renewal is being done. It is again unfortunate that the DGMG himself has claimed in his reply that on 11.06.2021, he ordered that all case files to be dealt on line only but he himself is violating his orders. Therefore, it needs to be ascertained from the concerned assistants as to why the file was submitted in physical mode despite the order dated 11.06.2021. They also need to explain as to when they had already submitted the files

through online mode, why they did not mention the same date on physical files as date of submission and put a new date on these files? If we go by the dates mentioned in online submission files, in all the cases except the case of Diamond Crushing Plant, for delay in delivery of notified service DGMG is responsible but if we go by the physical files, the delay is on the part of the concerned assistants in submission of the files which resulted in delay in delivery of notified service.

However, one thing is certain i.e. there has been delay in delivery of notified service. Therefore, action needs to be taken against the persons responsible for the delay and suo moto notices be issued to Sh. Joginder Singh, Assistant, Ms. Mamta Dahiya, Assistant, Ms. Anjali, Mining Inspector to submit their reply by 3rd January 2022 and personally appear for hearing at 10.30 AM on 06.01.2022. The DGMG should also explain as to why he entertained physical files despite his own order dated 11.06.2021 and also inform who is responsible for delay in these cases . He should also explain the justification for adoption of wrong practice in his Department which is beyond anybody's comprehension.

(T.C. Gupta)
CC, HRTSC
07.12.2021"

3. In view of the above, *suo moto* notices were issued to above three Assistants on 16.12.2021 with direction to submit their justifications for delay by 03.01.2022 and also to appear before the Commission in person or through VC on 06.01.2022.

4. Ms. Anjali, Mining Inspector and Shri Joginder Singh, Assistant appeared for personal hearing in the Commission in person and Ms. Mamta Dahiya, Assistant appeared for personal hearing through VC on 06.01.2022. Before the personal hearing, they had also submitted their replies which are identical in nature. During hearing, they reiterated the contents of their written submissions. During questioning, the three officials took the plea that the delay was infact on account of late deposition of renewal fees by the applicants and hence, delay was not on their part. When they were asked to give the details, they were not able to give the same and therefore, as per their request, they were granted time to give following information in response to each and every case of renewal of license:-

(i) Date of application.
(ii) Date of deposit of renewal fees.
(i) Date of submission of online file.
(ii) Date of submission of offline file.

They were directed to furnish this information within a week i.e. upto 12.01.2022. These officials have, later on, submitted these details on 11.01.2022. Ms. Anjali, Mining Inspector claimed in her reply dated 11.01.2022 that though she had submitted the file on Portal but due to some technical glitches, it was taking time for

scrutiny of documents and she further stated that DGMG gave verbal instructions to put up all cases on physical files so that the cases could be examined properly. DGMG was asked to clarify the same vide letter dated 08.02.2022 and since no reply of this communication was received despite reminder, DGMG was directed to be present for personal hearing before the Commission alongwith the reply on 25.02.2022 which was rescheduled to 02.03.2022 on his request.

5. Shri Mohammad Shayin, IAS, DGMG appeared with reply on 02.03.2022. In the reply, he has explained the rationale behind maintaining both the systems i.e. the physical file as well as the electronic file. For delay in processing of these cases because of maintenance of these two systems, he expressed regret and assured that the cases notified under RTS will be disposed off in notified timelines in future.

6. I have carefully considered the contentions put forth by DGMG as well as the three officials. I am satisfied with the reasons given by the DGMG for maintaining these two systems but it should not lead to delays. In case, there are inordinate delays, responsibility needs to be fixed. Coming to the replies submitted by the three officials, it can be seen that they have sent identical replies which are general in nature and do not explain the delays committed in renewal of cases for which, *suo moto* notice was issued. The replies state that the files relating to grant / renewal of licence cases were initially moved / routed through online portal but there was no provision in the software for taking digital signatures of the officers / officials involved in the renewal and grant of licences. Since the approvals of DGMG in such cases were taken online, no orders of competent authority on physical files were available and certain irregularities were noticed by higher authorities in some cases and details of three cases have been given by all the three in their identical replies. It has further been stated that in the absence of orders on physical files, it could not be ascertained as to who was responsible for these lapses and an example of E-Rawana has been given in this regard. Therefore, it has been justified that the files submitted through online mode were also submitted manually as a result of which, there was a mismatch of dates of online submitted cases with the dates of subsequent submission of these cases manually. Finally, it has been stated that initial submission of files through online mode was well in time and they have also requested for exonerating them from the charges with the assurance that they shall be careful in future and ensure that the cases are submitted in a time bound manner. Later on, vide their replies dated 11.021.2022, they have given the details asked for by the Commission as mentioned above. After considering all facts and circumstances of the case including the replies submitted by the three officials as well as DGMG, my observations in respect of each delayed case of renewal of licences, for which notice was issued, are as under:-

i) <u>Ravi Stone Crushing Mills – Dealing Assistant Shri Joginder Singh</u>

The application was received on 02.08.2021 but it reached the Assistant on 05.08.2021 in down marking from DGMG and ME. The Assistant took 18 days (12 working days) to process the file and sent the case to the applicant for deposition of fees on 23.08.2021 which was promptly deposited by the applicant on that date itself

but Shri Joginder Singh again took 14 calendar days (9 working days) to submit the file to ME for approval on 08.09.2021. Therefore, it can be seen that the entire notified period of 21 days was taken by Shri Joginder Singh himself in processing the case leaving no time for other officers to dispose of the case within RTS timelines. The online file was submitted by ME to Joint Director (MG) on 08.09.2021 who took 7 days to send it to the DGMG on 15.09.2021. In the meanwhile, on the instructions of the higher authorities (presumably DGMG who has not denied it), the file was submitted through offline mode on 18.10.2021 by the Assistant to the ME which he cleared on 18.10.2021 and sent to JDMG who sent it on 22.10.2021 to DGMG which was approved by the DGMG on the same date. Therefore, it is clear that the delay has occurred on the part of the dealing Assistant, Shri Joginder Singh as well as DGMG who did not clear the file received through online mode and kept it pending since 15.09.2021. After issuance of the renewal letter, the file has been closed on the portal on 03.11.2021 which shows that 49 calendar days have been taken by the DGMG – 30 working days and 19 holidays.

ii) Diamond Crushing Plant – Dealing Assistant, Ms. Mamta Dahiya.

The application in this case was received on 08.08.2021 and was sent to the Assistant on 12.08.2021 through online mode. She took 21 calendar days (13 working days) to examine the documents and give option to user to deposit the fees on 01.09.2021 which as per the statement of Ms. Mamta Dahiya, was deposited on 03.09.2021. Thereafter, she submitted the file immediately on 03.09.2021 itself to the ME who took one day to submit it to JDMG who took 11 days to submit it to DGMG on 15.09.2021 and thankfully, DGMG cleared the file on the portal on 15.09.2021 itself i.e. on the dame date. In the process, 40 days were taken including 27 working days. The physical file shows that this file was submitted by the Assistant on 03.09.2021 i.e. on the same date when she submitted the online file also and therefore, she must be complemented for submission of file in the offline mode and online mode on the same date. The physical file has been cleared by DGMG on 14.09.2021 and licence has been renewed on 15.09.2021. Therefore, Assistant, Ms. Mamta Dahiya is not at fault in this case and the *suo moto* notice issued to her is filed. The delay of 6 working days in clearance of this case on the part of various officials can be attributed to a procedural delays & non-sensitization to RTS timelines.

iii) Anurag Stone Crushing Company – Dealing Assistant Shri Joginder Singh.

The online application was received on 12.08.2021 on which some objections were raised by the Assistant and the application was sent back to the user on 27.08.2021. The user submitted the reply to the objections and resubmitted the case on 31.08.2021 and the Assistant took 6 days to send it to user on 06.09.2021 to deposit the fees. The fee was deposited by the applicant on 07.09.2021 and thereafter, Assistant took 3 days and in the process, file was submitted by the JDMG to DGMG on 15.09.2021 who kept it pending till 27.10.2021 (42 days – 27 working days) in online mode. However, the file was submitted through offline mode by Shri Joginder Singh but he did not mention the date as 10.09.2021 which was the date of

submission of online file. The physical file was submitted to the DGMG on 27.10.2021 which he approved on the same date. Therefore, it is clear that the delay is on the part of the DGMG who did not clear the file in online mode and kept it pending for 42 days and approved the proposal only when same was submitted to him in physical mode.

iv) Govardhan Grit Udyog –Dealing Assistant Ms. Anjali, Mining Inspector.

The file through online mode was received on 12.08.2021 which after due process was submitted to DGMG on 20.09.2021 who kept it pending for 51 days (30 calendar days) and the story is the similar as mentioned above. The file was got submitted in physical mode where the Assistant mentioned the date as 25.10.2021 even though she had submitted the file on 09.09.2021 though online mode. The physical file was submitted to the DGMG finally on 10.11.2021 who approved it on the same date. Therefore, in this case also, the delay is on the part of the DGMG who did not clear the online file and approved the proposal only when physical file was submitted.

v) Vishnu Grit Udyog –Dealing Assistant Ms. Anjali, Mining Inspector.

The online file was received on 13.08.2021 and through various channels, was submitted to DGMG on 20.09.2021 by the SME who kept the file pending with him for 50 days (29 working days) and cleared the same on 09.11.2021. However, the physical file was submitted by Ms. Anjali mentioning the date of 27.10.2021 even though she had submitted the file through online made on 09.09.2021. This physical file was submitted to the DGMG on 09.11.2021 which he approved on the same date. Therefore, in this case also, DGMG is at fault by keeping the file pending with him in online mode.

vi) RBS Stone Crusher – Dealing Assistant, Shri Joginder Singh.

The online original application was received on 16.08.2021 but later on after some objection, the applicant submitted it on 01.10.2021. The file was submitted to the DGMG on 18.10.2021 who thankfully took only 11 calendar days (5 working days) to dispose of the file in online mode. The total time taken in this case is only slightly above the notified timelines.

vii) United Stone Crusher – Dealing Assistant, Shri Joginder Singh.

Online application was received on 20.08.2021 which was submitted through various channels to DGMG on 07.09.2021 who kept the file pending with him for 62 days (38 working days). The physical file was submitted by the Assistant on 27.10.2021 and was sent by JDMG to DGMG on 03.11.2021 which he approved on 06.11.2021. Therefore, the delay is on the part of the DGMG who kept the file pending with him received through online mode.

From the above discussions, it can be seen that the Department and its officials were not at all sensitive towards the timelines notified under Haryana Right to Service Act, 2014 and the Assistants were taking time not only in the initial verification of documents before granting access to the applicants to deposit the fees but were also

taking time after the deposit of fees by the applicants. However, inordinate delay as mentioned above have taken place because the DGMG was not disposing of the files received through online mode. If he was not comfortable in disposing of the files received through online mode, why he himself issued instructions on 15.06.2021 that the files will be submitted through online mode only? He has tried to explain the maintenance of two systems subsequently in his latest reply dated 02.03.2022 which though accepted does not absolve him from the responsibility of not clearing the files in time received through online mode. If he had decided to dispose of the files receive through only physical mode, he should have issued simultaneous instructions that besides submission of online files, physical files will also be submitted by the Assistants. The Assistants, Shri Joginder Singh and Ms. Anjali are also at fault in not submitting the online files on the same dates when they submitted online files. Had it been done like what Mss. Mamta Dahiya had done, the physical files would have reached DGMG much before and he might have cleared the same in time because perusal of files reveals that he has been quick in approving the same. There is a huge time lag between offline submission of files and online submission of files on the part of Shri Joginder Singh and Ms. Anjali which has led to inordinate delays. However, keeping in mind the fact that implementation of RTS timelines in the State of Haryana was in dormant state till June, 2021 and this was the first *suo moto* notice issued to the Department, a lenient view is taken on the assurance of DGMG that whether the files are maintained in online mode or offline mode, the notified services will be delivered in notified timelines. Therefore, *suo moto* notices issued to DGMG as well as to Shri Joginder Singh, Assistant and Ms. Anjali, Mining Inspector are hereby filed and it is made clear that no laxity will be tolerated even in a single case, in future. DGMG should also issue instructions in writing whether he wants to continue with both the systems of submission of files and in case, both the systems are to be retained, he should clearly order for submission of files in both the modes on same date. Copy of these instructions be sent to the Commission by 25th March, 2022.

Sd/-
(T.C. Gupta)
CC, HRTSC

Dated: 9th March, 2022