

HARYANA RIGHT TO SERVICE COMMISSION
SCO No- 38-39, SECTOR 17A (2nd& 3rd floor) CHANDIGARH- 160017

No. HRTSC/File no. 129 | SM - 271 | 3522
Post & E-mail

Dated: 24.08.2022

Suo-moto Notice

To

Sh. Vijay Singh,
ZTO, MC, Faridabad

1. The Haryana Right to Service Commission (hereinafter referred to as the Commission) has been constituted under Haryana Right to Service Act, 2014 (hereinafter referred to as the 'Act') to ensure delivery of notified services within notified timelines. These services have been notified by publication in the Official Gazette by the State Government under Section 3 of the Act.
2. The Section 17 of Haryana Right to Service Act, 2014 reads as under:
 - i) take *suo-moto* notice of failure to deliver service in accordance with this Act and refer such cases for decision to the First Grievance Redressal Authority or the Second Grievance Redressal Authority or pass such order, as may be appropriate;
 - ii) carry out inspections of offices entrusted with the delivery of services and the offices of the First Grievance Redressal Authority and the Second Grievance Redressal Authority;
 - iii) recommend Departmental action against any officer or employee of the State Government, who has failed in due discharge of functions cast upon him under this Act;
 - iv) recommend changes in procedures and process re-engineering for delivery of services which may make the delivery more transparent and earlier;
Provided that before making such a recommendation, the Commission shall consult the Administrative Secretary in-charge of the Department which is to deliver the service;
 - v) recommend additional services to be notified under section 3 and may also suggest modification in the notifications already issued for better implementation of this Act;
 - vi) issue general instructions, not inconsistent with the provisions of this Act for the guidance of Designated Officers, the First Grievance Redressal Authority and the Second Grievance Redressal Authority;
 - vii) impose penalty on Designated Officer or any other official involved in the process of providing such service up to a sum of twenty thousand rupees, as deemed fit under the circumstances of the case and allow compensation up to five thousand rupees, to be paid to eligible person by defaulter;
 - viii) Where the Commission is satisfied that there are reasonable grounds to inquire into a matter arising out of the provisions of this Act, it may, *suo-moto*, initiate an inquiry in respect thereof. The Commission shall, while inquiring into any matter under this section, have the same powers as are vested in a Civil Court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely: -
 - i) summoning the parties;
 - ii) receiving oral evidence on oath or written evidence on affidavits;
 - iii) requiring the discovery and inspection of documents;
 - iv) requisitioning of any public record from any office;
 - v) obtaining copies of record from any court in accordance with law;
 - vi) issuing summons for examination of witnesses or documents; and
 - vii) any other matter, which may be prescribed.
3. Sh. Piyush Kathuria had submitted a complaint with the Commission, vide e-mail dated 28.06.2022, that he had applied with MCF for name change in property tax register on 03.06.2022 vide application no. 0700595586 (Property ID P07095280198). He further informed that he had visited MCF office multiple times but no action was taken on the same. Another mail dated 28.06.22 was also received from Ms. Smriti Rani, owner of a plot in the project- Kohinoor, Sector-89, Faridabad. Similar to the case of Sh. Piyush Kathuria, she also informed that no action had been taken on her application dated 03.06.22 for change of name in property tax register. Taking cognizance of the issue, as it is a notified service at serial no. 44 namely, change of Owner/Occupier in property Tax Register



(except death case), for which notified period is 15 days, 2 letters no. 2720 and 2718 dated 05.07.2022 in both the cases respectively were issued to the Zonal Taxation Officer, Old Zone, Municipal Corporation Faridabad, Haryana to take cognizance and furnish action taken/ status reports to the Commission by 14.07.2022. In reference, memos no. 1887 & 1888 dated 14.07.2022 were received from the concerned ZTO in both the cases respectively. Reply in case of Sh.Piyush Kathuria informed that the applicant had not submitted a copy of the sale deed along with his application. It was further stated that the applicant was subsequently contacted telephonically and he submitted the same on 12.07.22, post which, he was provided the service on the same day. From the notings of the case enclosed, it was observed that the same was acted upon only on 06.07.22, post Commission's intervention and post passing of RTS due date. From an internal communication enclosed, it was also noted that Sh.Giriraj Singh is the concerned assistant for this case and responsible for putting up the same. The ZTO had also enclosed a few communications made to Sh.Giriraj warning against breaching RTS timelines. Response in the case of Ms.Smriti Rani informed that the application dated 03.06.22 from the applicant was rejected on 30.06.22 by the concerned Assistant for lack of required documents. Which documents were missing was not mentioned. The perusals of enclosures enclosed informed that for this case too, Sh.Giriraj Singh was the concerned assistant. From the two replies, the discriminatory treatment on the two applications was noted. While in case of Sh.Piyush Kathuria, on finding deficiency of documents, the complainant was contacted telephonically (albeit, post RTS due date), in case of Ms.Smriti Rani, the application was straightway rejected. Thus, a Suo-moto notice is hereby issued to you, Sh. Vijay Singh, ZTO, MC, Faridabad (being the Designated Officer) so as to decide as to why a penalty of Rs.20,000 may not be imposed upon you and a compensation of ₹5000 may not be paid to the applicants in these cases for the delay caused and the discriminatory treatment of the two application.

4. In exercise of powers of Civil Court conferred upon the Haryana Right to Service Commission, by Section 17(3) (c) of the Haryana Right to Service Act 2014, to conduct this Inquiry, you, Sh. Vijay Singh, ZTO, MC, Faridabad are directed to furnish the reply pertaining to this case by 05.09.2022 through email at rtsc-hry@gov.in. The reply should be signed by you and not by anyone on your behalf.
5. Further, in exercise of powers of Civil Court conferred upon the Haryana Right to Service Commission, by Section 17(3)(a) of the Haryana Right to Service Act 2014, to conduct this Inquiry, the Commission further directs you, Sh. Vijay Singh, ZTO, MC, Faridabad to appear before Shri T.C. Gupta, Chief Commissioner of Haryana Right to Service Commission, either in person or through Video-Conference at 10.30am on 08.09.2022 for further proceedings in this inquiry.

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



(Hitender Kumar, HCS)
Secretary

For Haryana Right to Service Commission
E-mail: rtsc-hry@gov.in

Endst. No HRTSC/File no. 129/SM-271/3524

Dated: 24.08.2022

A copy is forwarded to Sh. Piyush Kathuria and Ms. Smriti Rani (Complainants) to inform them to be present through VC during hearing.

(Hitender Kumar, HCS)
Secretary

For Haryana Right to Service Commission
E-mail: rtsc-hry@gov.in