

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

No. HRTSC/ File no. 134/SM-280/3775
Post & E-mail

Dated: 05.09.2022

Suo-moto Notice

To

Sh. Rajbir Sharma,
District Welfare Officer, Sonapat

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. Whereas, Smt. Pooja R/o VPO Bahal-Garh, District Sonapat, Haryana had submitted a complaint vide letter dated 24.05.2022 that she had applied for a legal aid scheme through online SARAL portal on 04/01/2022 vide SARAL ID No. LATSCAV/2021/0001. In this regard, she had visited the department many times but the DWO, Sonapat failed to provide service within the notified timeline of 10 days. Thereafter, she filed a first appeal before FGRA cum ADC Sonapat on 24.03.2022. In reference, she received an e-mail dated 06.04.2022 from Saral Administrator enclosing the judgment order of first appeal of FGRA cum ADC Sonapat stating



"DISPOSAL OF APPEAL". She was not satisfied with the decision of the FGRA as her appeal was rejected without even being heard. Thereafter, she filed second appeal before Second Grievance Redressal Authority on 18.04.2022 which had been pending beyond the timeline of 30 days. Taking cognizance of the issue as it is a notified service under Haryana Right to Service Act, 2014 at Sr. No. 307, with a notified timeline of 10 days, a letter vide no.2359 dated 08.06.2022 was issued to DC, Sonapat to send the action taken report and the copy of orders if any, passed by him on the said appeal to the Commission by 29.06.2022. In response, memo no. 5117 dated 28.06.2022 was received from the DC Sonapat. On perusal of the same, a letter no.3072 dated 22.07.2022 was issued to the DWO, Sonapat, Haryana vide which he was directed to send the detailed report regarding the current status of the case and details of file movement till approval upon the same to the Commission by 27.07.2022. In reference, memo no 4098 dated 27.07.2022 was received from the DWO, Sonapat vide which it was submitted that the service is still pending due to non allocation of the funds by the department HQ. It was observed by the Commission that vide the SGRA order dated 09.06.22, it was clarified that the approval of the DC for sending a request to HQ for allocation of extra funds was taken by the DWO on 07.03.22- i.e around 2 months after the successful submission of the application dated 04.01.22 (RTS time limit for the same being 10 days). Moreover, no details or copies of the communication sent to the department regarding request for funds had been submitted by the DWO, Sonapat to the Commission along with the response. Therefore, a suo-moto notice is hereby issued to you, Sh. Rajbir Sharma, District Welfare Officer, Sonapat to ascertain the reasons for the delay caused by you in acting upon the application and sending a request to the HQ on the matter, and further to decide whether any action for imposition of penalty/recommendation of departmental action against you is called for

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. Rajbir Sharma, District Welfare Officer, Sonapat are directed to furnish the reply along with copies of the relevant notesheets of the file pertaining to this case by 19.09.2022 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. Rajbir Sharma, District Welfare Officer, Sonapat to appear before Shri T.C. Gupta, Chief Commissioner of Haryana Right to Service Commission, either in person or through Video-Conference at 10.30 am on 20.09.2022 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.134/SM- 280/3776

Dated: 08.09.2022

A copy is forwarded to Smt. Pooja(complainant) to inform her to be present through VC during hearing.

(Hitender Kumar, HCS)
Secretary

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