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

HRTSC/File no.125/SM-241/4423 **Dated:14.10.2022**

To

Sh. Hitesh Kumar Meena, IAS,
Sub Divisional Magistrate, Ambala City.

Subject: - Final order regarding Suo-moto notice no. HRTSC/File no.125/SM-241/2897 dated 15.07.2022.

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I am directed to forward herewith a copy of the order dated 14.10.2022 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

Endst. No.HRTSC/File no. 125/SM-241/4424 **Dated:14.10.2022**

A copy of the above is forwarded to the Transport Commissioner, Haryana for information and compliance.

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

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S.C.O. No. 38 & 39 (2nd FLOOR), SECTOR 17-A, CHANDIGARH-160017
Website: www.haryana-rtsc.gov.in Telephone: 0172-2711050

Final Orders in respect of following Suo Moto Notices:-

1. **HRTSC/ File No. 125/SM-241** issued to Sh. Hitesh Kumar Meena IAS, Sub Divisional Magistrate, Ambala City.
2. **HRTSC/ File No. 125/SM-242** issued to Ms Shashi Vasundhra, HCS, Sub Divisional Magistrate, Sonepat
3. **HRTSC/ File No. 125/SM-244** issued to Sh. Virender Singh HCS, Sub Divisional Magistrate, Charkhi Dadri
4. **HRTSC/ File No. 125/SM-245** issued to Sh. Prateek Hooda HCS, DTO-cum-Secretary, RTA Jind.
5. **HRTSC/ File No. 125/SM-246** issued to Ms. Ankita Chaudhary IAS, Sub Divisional Magistrate, Gurugram
6. **HRTSC/ File No. 125/SM-249** issued to Sh. Paramjeet Chahal HCS, Sub Divisional Magistrate, Faridabad
7. **HRTSC/ File No. 125/SM-250** issued to Sh. Sandeep Aggarwal HCS, Sub Divisional Magistrate, Bhiwani.
8. **HRTSC/ File No. 125/SM-251** issued to Sh. Ashish Kumar HCS, Sub Divisional Magistrate, Gohana, Sonepat.
9. **HRTSC/ File No. 125/SM-252** issued to Sh. Rakesh Saini HCS, Sub Divisional Magistrate, Rohtak
10. **HRTSC/ File No. 125/SM-253** issued to Sh. Ashwani Malik HCS, Sub Divisional Magistrate, Samalkha, Panipat

Interim Orders in respect of following Suo Moto Notices :-

1. **HRTSC/ File No. 125/SM-243** issued to Sh. Satyawan Singh Maan HCS, Sub Divisional Magistrate, Safidon, Jind.
2. **HRTSC/ File No. 125/SM-247** issued to Sh. Virender Dhull HCS, Sub Divisional Magistrate, Panipat.
3. **HRTSC/ File No. 125/SM-248** issued to Sh. Shushil Kumar, HCS, Sub Divisional Magistrate, Jagadhari, Yamunanagar.

1. On perusal of the service delivery report of applications on Antyodaya SARAL portal pertaining to Transport Department as on 19.06.2022, it was found that 1570 applications were under process which were outside RTS. Out of these applications, 30 applications were found with a delay of 30 days or more. Taking cognizance of the issue, since delay was caused in the delivery of services notified under Haryana Right to Service Act, 2014, suo moto notices dated 15.07.2022 were issued to designated officers in respect of all the 30 cases, to decide whether or not, a penalty of ₹ 20,000/- be imposed in each case and a compensation of ₹5000/- be paid to the

applicant in each case for omission & commission leading to delay in delivery of notified service, reply to which was to be submitted by 29.07.2022.

2. A reply dated 04.08.2022 was received from Sh. Hitesh Kumar Meena IAS, SDM Ambala City, Ambala. He has submitted that the application in question dated 05.05.2022 deals with Dealer Temporary Registration. The service was to be provided by the dealer who in this case was 'Samriti Wheels Pvt. Ltd'. The application was pending with the dealer till 03.08.2022 and thereafter, it was processed. The service has been finally delivered on 04.08.2022.

3. A reply dated 27.07.2022 was received from Ms. Shashi Vasundhra HCS, SDM Sonepat wherein she has submitted the details of both the cases in question. The first case pertained to 'Change of Address in Learner's License' (application no. 1740424122). It was mentioned that the application didn't appear in the clerk's login, like it does in every other application. It has also been mentioned that on tracking, the application was found in the respondent's login which was approved on the same day. The second case pertained to 'Hypothecation Termination', the applicant submitted the service fees on 09.05,2022. However, his documents were incomplete as it didn't have duly certified form no. 35 and NOC from financier for which he was informed in writing from the respondent's office. The applicant submitted the required documents on 10.06.2022. His application was processed on 12.06.2022 from the clerk's login.

4. A reply dated 27.07.2022 was received from Sh. Satyawan Singh Maan HCS, SDM Safidon, Jind. He has submitted that 238 learning licenses in May 2022 and 213 learning licenses in June 2022 were issued from his office. Further, it has been mentioned that as per the stall test results, the learning license software automatically declares pass or fail to the applicant. Thereafter, applicant can download the license from SARAL Kendra or from the SAARTHI portal. The respondent also informed that in some cases due to technical issue, the application is moved to the next step. However, it was

not clarified which step. Such glitches are due to double photograph, double name, mismatch in date of birth, etc. Hence, in such cases, the respondent's office calls the applicant to personally appear in the respondent's office for verification. It was informed that the delay caused in the six applications in question were because the applicants didn't appear in the respondent's office, in time. It has also been mentioned that Municipal election -2022 were due on 19.06.2022 where the respondent was returning officer. It was also mentioned that applicant in question has given in writing that he was satisfied with the service delivery. However, no letter of satisfaction was attached with the response.

5. A reply dated 27.07.2022 was received from Sh. Virender Singh HCS, SDM Charkhi Dadri. He has submitted that the applicant applied for learning license on 05.05.2022 in his office. Thereafter, his office completed the steps for photo capture, scrutiny, recording LL test results were completed on 05.06.2022 & 06.05.2022. After the applicant passed the LL test, no proceeding was done by the respondent's office in the matter. However, as per procedure as confirmed from field functionaries, after passing the test, license is auto generated, which in this case was not generated due to technical issue. The respondent has informed that as soon as he got to know about the service not being delivered, the license was sanctioned on 01.07.2022. He has mentioned that a copy of the same has been attached but no attachment was found with his reply.

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6. A reply dated 13.09.2022 was received from Sh. Prateek Hooda HCS, DTO-cum-Secy, RTA, Jind wherein he has submitted that the applicant Sh. Hari Kishan S/o Sh. Manga Ram didn't submit the motor vehicle tax due to which application was pending with the dealer. Further, it has been mentioned that when the applicant deposits that Motor Vehicle tax, the application would be processed. The annexure attached by the respondent, shows that the service has been delivered.

7. A reply dated 22.07.2022 was received from Ms. Ankita Choudhary IAS, SDM Gurugram. A detailed case wise report has been submitted by her in

the matter. For case 1, the respondent has submitted that after the stall test, it was found that a learner's license had already been issued in the name of the applicant. Hence, the applicant was asked to submit the learner's license issued earlier. Since, the applicant didn't submit the previous license in time, the application in question was delayed. For case 2, the applicant had applied for Change of address in Registration Certificate on 04.05.2022, but while approving the application on 09.05.2022, the documents required were found incomplete due to which the application was returned to the applicant. The discrepancies were removed by the applicant on 06.06.2022 and the application was approved on 07.06.2022. For case 3, the applicant had applied for Change of Address in Registration Certificate on 09.05.2022, but submitted the documents in the office on 27.05.2022 after which the certificate was issued on 31.05.2022.

8. A reply dated 22.07.2022 was received from Sh. Virender Dull HCS, SDM Panipat wherein he has submitted that no delay has been caused by him and whatever delay has been caused, it is on the part of the applicant to submit requisite documents. Further detailed case wise remarks have been mentioned. For case 1, the particulars of the applicant were matching with some other person of other state/authority. Hence, the applicant was called repeatedly for clarification. He appeared in office on 22.06.2022, proper verification was done and learner's license was issued on 23.06.2022. For case 2, the respondent has mentioned that the applicant applied for duplicate RC on 19.05.2022 but the insurance had expired on 22.05.2022. The file was processed on 23.05.2022 but due to invalid insurance, the file was not processed further. The applicant was asked to submit a copy of insurance on 15.07.2022. The file was processed on 15.07.2022. For Case 3, same submissions as in case 2 were made by the respondent.

9. A reply dated 08.09.2022 was received from Sh. Shushil Kumar HCS, SDM Jagadhari, Yamunanagar. He has submitted that the applicants in all cases in question, applied for two services and mentioned that the services were

delivered within RTS timeline. But other applications were not delivered within RTS time.

10. A reply dated 26.07.2022 was received from Sh. Paramjeet Chahal HCS, SDM Faridabad. For case 1, the respondent was submitted that after checking the records for the vehicle (HR 51-BY-3902), it was found the fees of Hypothecation cancellation was paid for another vehicle. Hence, the applicant was contacted telephonically and he confirmed that loan was pending on his vehicle and he had not submitted any application for HP cancellation. The fees was cancelled by the respondent's office on 18.07.2022. In case 2, the application deals with HP addition. After perusal of records, it was found that applicant deposited the fees for HP cancellation on 06.05.2022 but submitted the physical documents on 09.06.2022. The application was verified on 17.06.2022, was approved on 20.06.2022 and on 21.06.2022, the RC card after KMS was issued. For case 3 and case 4, the remarks are same as in case of case 2.

11. A reply dated 26.07.2022 was received from Sh. Sandeep Agarwal HCS, SDM Bhiwani. The respondent has submitted that the application in question dealt with 'Dealer Point Temporary Registration'. The application was to be dealt by the dealer and the pendency was at the end of the dealer. The submission of the respondent has been substantiated by screenshots attached from VAHAAN portal.

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12. A reply dated 22.07.2022 was received from Sh. Ashish Kumar HCS, SDM Gohana, Sonepat. The respondent has submitted that for learner's license, the applicant can book a slot for himself on a date convenient to him. While depositing learner license application alongwith required documents and getting his/her photo captured, he can book the stall test. After this step, the application is scrutinized by the official physically. If no discrepancies are found in the application, then the case is forwarded for stall test. For the applications in question, duplicate data was found on the SAARTHI portal, as per report of Junior Programmer and Computer Operator of SDM office,

Gohana. On 21.06.2022, both applicants approached the office for their learner license and the service was delivered on the same day.

13. A reply dated 20.07.2022 was received from Sh. Rakesh Saini HCS, SDM Rohtak wherein the respondent has submitted that the applicant applied for his license online on the portal on 09.05.2022. The applicant had cleared his learning test on 12.05.2022. Thereafter, when dealing clerk tried to approve the learning license of the applicant, a license was already showing on the portal in the applicant's name. The applicant informed that he had a heavy vehicle license, which he was asked to deposit in the respondent's office. After depositing the license on 23.06.2022, verification was done and his license was issued. Highlighting the technical flow chart in the service, the respondent has mentioned that in case an applicant already has a license, then SARTHI web page for approval shows that "details found with the same applicant name", in such a case three options i.e. reject, skip and exit are shown at the end of the approval page and rest options are inactive. Hence, the concerned authority cannot approve the learner license application until we verify the other license/details.

14. A reply dated 28.07.2022 was received from Sh. Ashwani Malik, HCS, SDM Samalkha, Panipat. For case 1, the respondent has informed that the applicant applied online on 10.05.2022 and submitted the file physically in his office on the same date. After perusal of the records by the respondent's office, it was found that the applicant already possessed a driving license from Licensing Authority, Delhi. The applicant was called repeatedly but since he didn't turn up, the file submitted to his office was rejected/cancelled. For case 2, the respondent submitted that the applicant applied for learner's license on 12.05.2022 and submitted the documents physically on the same day. During scrutiny of the documents, it was found that another license with the same particulars had been registered with another licensing authority. The office called the respondent multiple times but the applicant didn't respond. Further, he approached the respondent's

office on 23.06.2022, his photos were matched and scrutinized and the license was issued on the same day.

15. The Commission has carefully considered all the facts and submissions of the cases made by the respondents. The following table lists the orders against each suo-moto case:

Sr. No.	Suo-moto Notices	Name of the officer to whom the notice was issued	Final orders
1.	**HRTSC/ File No. 125/SM-241**	Sh. Hitesh Kumar Meena, IAS, Sub Divisional Magistrate, Ambala City	Since the delay hasn't been caused at the end of the respondent but on the part of the dealer, the suo-moto notice is hereby filed.
2.	**HRTSC/ File No. 125/SM-242**	Ms Shashi Vasundhra, HCS, Sub Divisional Magistrate, Sonepat	The Commission is satisfied with the reasons submitted by the respondent for the delay caused in the applications in question. Hence, the suo-moto notice is hereby filed
3.	**HRTSC/ File No. 125/SM-243**	Sh. Satyawan Singh Maan, HCS, Sub Divisional Magistrate, Safidon, Jind	Though the respondent has mentioned that the delay has been caused because the applicant didn't appear in his office on time, no date has been mentioned when and how his office contacted the complainant. The submissions made by the respondent are not satisfactory, hence a hearing in this case will be held on 19.10.2022 at 12.30 pm.
4.	**HRTSC/ File No. 125/SM-244**	Sh. Virender Singh, HCS, Sub Divisional Magistrate,	Since, all the steps that were to be done by the respondent's office was done well within RTS timeline, the suo moto

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		Charkhi Dadri	notice is filed with an advisory to the Transport Department to get the technical glitches in the software related to Learners' License, rectified centrally as many Registering Authorities have mentioned about it.
5.	**HRTSC/ File No. 125/SM-245**	Sh. Prateek Hooda, HCS, DTO-cum-Secy. RTA Jind	Since, the delay hasn't been caused at the end of the respondent but on the part of the dealer, the suo-moto notice is hereby filed.
6.	**HRTSC/ File No. 125/SM-246**	Ms. Ankita Chaudhary, IAS, Sub Divisional Magistrate, Gurugram	The submissions made by the respondent in all three cases are satisfactory. Hence, the suo-moto notice is hereby filed.
7.	**HRTSC/ File No. 125/SM-247**	Sh. Virender Singh Dhull, HCS, Sub Divisional Magistrate, Panipat	The submissions made by the respondents are not satisfactory. The dates of application submitted, RTS due date mentioned by the respondent for two cases are wrong. Hence, a hearing in the matter will be held on 19.10.2022 at 12.30 pm.
8.	**HRTSC/ File No. 125/SM-248**	Sh. Shushil Kumar, HCS, Sub Divisional Magistrate, Jagadhari, Yamunanagar	There is no clarity in the response submitted by the respondent as to which application couldn't be delivered due to technical reason, what are the specific dates related to the application in question, etc. Since, the submissions are not satisfactory, a hearing in this matter will be held on 19.10.2022 at 12.30 pm.

9.	**HRTSC/ File No. 125/SM-249**	Sh. Paramjeet Chahal, HCS, Sub Divisional Magistrate, Faridabad	The respondent has clearly submitted the chronology of events for the four applications. The Commission is satisfied with the reasons for delay. Hence, the suo-moto notice is hereby filed.
10.	**HRTSC/ File No. 125/SM-250**	Sh. Sandeep Aggarwal, HCS, Sub Divisional Magistrate, Bhiwani	The reasons for delay submitted by the respondent are satisfactory. Hence, the suo-moto notice is hereby filed.
11.	**HRTSC/ File No. 125/SM-251**	Sh. Ashish Kumar, HCS, Sub Divisional Magistrate, Gohana, Sonepat	Since, the delay has been caused on the part of the applicant and not on the part of the respondent, the suo-moto notice is hereby filed.
12.	**HRTSC/ File No. 125/SM-252**	Sh. Rakesh Saini, HCS, Sub Divisional Magistrate, Rohtak	The reasons for delay submitted by the respondent seem valid. Hence, the suo moto notice is hereby filed.
13.	**HRTSC/ File No. 125/SM-253**	Sh. Ashwani Malik, HCS, Sub Divisional Magistrate, Samalkha, Panipat	The Commission is satisfied with the reasons submitted by the respondent. Hence, the suo-moto notice is hereby filed.

The Commission has observed that in many cases in question, delays were caused at the end of the applicant but the portal showed the processing out of RTS timelines. Therefore, the Department is advised to make use of the 'RTS stop clock' feature on SARAL in relation to notified services, so as to avoid issuance of notices in future and correct reporting.

(-sd-)
(T.C. Gupta)
CC, HRTSC

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14th October, 2022