

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

No. HRTSC/ File no-131 /SM- 301 /4438
Post & E-mail

Dated: 17.10.2022

Suo-moto Notice

To

Sh. Aman Kumar,
Municipal Engineer,
Municipal Council, Bahadurgarh, Jhajjar, Haryana

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. On perusal of SARAL reports, 34 cases of Replacement of Street Lights(list encl.) were found pending beyond RTS timelines with Municipal Council, Bahadurgarh, Jhajjar, Haryana as on 20.06.22. Taking cognizance of the issue as it was related to notified service at no.33, replacement of street light under the Haryana Right to Service Act, 2014, a letter dated 27.06.2022 followed by reminder dated 21.07.2022 were sent to the Executive Officer, Municipal Council, Bahadurgarh, Jhajjar, Haryana to take cognizance in each case and share a report informing the completion of the enclosed cases to the Commission by 14.07.2022 and 04.08.2022 respectively. A reply dated 26.08.22 was sent by the EO, MC-Bahadurgarh after inordinate delay. However, the generic explanation provided in the same is not found satisfactory. For the replacement of street lights cases, generic reason of tender process issues and requirement of approval from the house is mentioned. The Commission is of the opinion that if a service is notified, the concerned officer(s) have to find ways and means to implement it and cannot take alibi of the approval required from the house etc. This approval is generic and can be obtained in advance. Therefore, a suo-moto notice dated 14.09.2022 was issued to Sh. Brijesh Hooda, Municipal Engineer, Municipal Council, Bahadurgarh, Jhajjar. After hearing him on 28.09.2022 and on basis of reply of a letter dated 27.06.22 (Enclosed) issued by the then EO, Municipal Council, Bahadurgarh to you for the cases under question, it has come to Commission's notice that you are responsible for delay in the enclosed cases related to replacement of street lights. Therefore, a suo-moto notice is hereby issued to you, Sh. Aman Kumar, Municipal Engineer, Municipal Council, Bahadurgarh, Jhajjar Haryana being the Designated Officer for delay in delivery of notified services so as to decide whether any action for imposition of penalty upto Rs.20,000 in each case and provision of compensation of Rs.5,000 to each applicant 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. Aman Kumar, Municipal Engineer, Municipal Council, Bahadurgarh, Jhajjar Haryana are directed to furnish the reply pertaining to this case by 27.10.2022 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. Aman Kumar, Municipal Engineer, Municipal Council, Bahadurgarh, Jhajjar, Haryana to appear before Shri T.C. Gupta, Chief Commissioner of Haryana Right to Service Commission, either in person or through Video-Conference at 11.30am on 31.10.2022 for further proceedings in this inquiry.

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

Encl: As above



(Hitender Kumar, HCS)
Secretary

For Haryana Right to Service Commission
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