



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

HRTSC/ File no. 113/SM-211/4943

Dated: 15.11.2022

To

Sh. Jitender Kumar,
the then Estate Officer-II, HSVP, Gurugram
(now Joint Director- Admn. , HIPA)

Subject: - Final orders regarding Suo-moto notice no. HRTSC/ File no. 113/SM-211/2257 dated 31.05.2022.

Sir,

I am directed to forward herewith a copy of the order dated 14.11.2022 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.



(Sube Khan)

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

Endst. No. HRTSC/ File no. 113/SM-211/4944

Dated: 15.11.2022

A copy of the above is forwarded to the following:

- 1.The Director General, HIPA, Gurugram for information and compliance.
- 2.Sh. Ankit Chandana(complainant) for information.

(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

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FINAL ORDERS

In respect of Suo Moto Notice no. HRTSC/File no. 113/ SM-211/2257 dated 1.05.2022 issued to Sh. Jitender Kumar Gandhi, HCS, the then EO-II, HSVP, Gurugram

1. Sh. Ankit Chandna had submitted a complaint vide e-mail dated 15.12.2021 regarding error in the re-allotment letter of Plot no.23, Sector-31- 32A, Gurugram. He had stated that the re-allotment letter shows “_____” instead of the owner's name. In this regard, he had submitted an application dated 23.06.2021 to EO-II, HSVP, Gurugram for correction in the re-allotment letter and had personally visited their office several times but no action was initiated on his complaint. Taking cognizance of the issue, as it is a notified service at serial no.5 “Re-Allotment Letter” of Haryana Govt. Gaz.(Extra.), Dec.3,2021 (AGHN. 12, 1943 SAKA) of HSVP, a letter no. HRTSC/Comp-155/HSVP/2021/3551 dated 28.12.2021 followed by reminder dated 01.02.2022 was issued to the Estate Officer II, HSVP, Gurugram to take cognizance and furnish action taken/status report to the Commission by 16.02.2022. In reply, a memo dated 10.02.2022 was received from the Estate Officer, HSVP, Gurugram vide which he submitted that the matter had been sent to Administrator, HSVP, Gurugram vide memo dated 02.02.2022 for updation of names of allottees in the PPM system. Therefore, a letter dated 01.04.2022 followed by reminder dated 02.05.2022 was issued to the Administrator, HSVP, Gurugram to send a report/reply in this regard to the Commission by 13.05.2022. Subsequently, a memo dated 17.05.2022 was received from the Superintendent, for Administrator, HSVP, Gurugram. On perusal of the same, it was found that the power to edit owner details lies with EO. Thus, Commission was of the opinion that even though the power to edit the owner detail in re-allotment letter was with EO-II, HSVP, Gurugram, there was a significant delay on his part, as the application for rectification was made to him on 23.06.2021 and action on it was initiated by him on 02.02.2022 (only after the intervention of the Commission) by sending the case file to the Administrator and same was edited by him on 23.03.2022 i.e after a period of approx. 9 months, thereby eventually causing harassment and hardship to the complainant. Thus, a suo-moto notice dated 31.05.2022 was issued to Sh. Jitender Kumar Gandhi, HCS, the then EO-II, HSVP, Gurugram to decide as to why a penalty of Rs. 20,000/- may not be imposed upon him and a compensation of Rs. 5,000/- may not be paid to the applicant in this case for his act of omission leading to delay in delivery of a notified service. He was directed to furnish the reply pertaining to this case by 24.06.2022 and further to appear before the Commission, either in person or through Video-Conference at 11.00 am on 27.06.2022 for further proceedings.

2. Accordingly, a reply was received from the Respondent vide memo no. 1/SPL dated 18.06.2022 wherein it was submitted that he had joined as Estate Officer-II, HSVP, Gurugram on 09.08.2021 whereas, the application dated 23.06.2021 was processed by the

office and was put up before him on 18.08.2021 for updation of names in the re-allotment. This said proposal was approved with the remarks stating that PPM entries of transfer to be ascertained first and thereby the applicants were called in his office on 06.10.2021 along with relevant documents vide office memo No. 7518 dated 24.09.2021 and accordingly, Smt. Kanta Rani and Sh. Kamal Kumar remained present in the office on 06.10.2021. He further stated that he remained occupied due to personal circumstances as his 12 years old son was diagnosed with Rhabdomyosarcoma and remained admitted for chemo treatment. He had also taken leave for two months from 1st May 2022 to 30th June 2022. He further stated that the case was put up to him on 1st February, 2022 which was cleared by him on the same day. Subsequent to this, the matter was referred to the Administrator, HSVP, Gurugram vide office memo no. 1117 dated 02.02.2022 and the Administrator, HSVP, Gurugram had further referred the matter to the HQ on 03.02.2022. The HQ made directions on 14th February, 2022 to verify the allottee detail and the digitally signed allotment letter against the physical record. The file was received in the Respondent's office from the Administrator on 17.02.2022 and on 08.03.2022, the approved noting error file and Owner Details file was attached and forwarded to Administrator, HSVP, Gurugram, which was forwarded to the HQ by the Administrator, HSVP, Gurugram on 10.03. 2022. He further stated that the office of Estate Officer does not have access and competency to correct names etc. in allotment details on PPM and the same is to be approved from HQ. Further, it was added that IT Cell HQ on 22.03.2022 noted that the facility for uploading the Owner Details file is available on Estate Officer PPM ID and therefore, the Respondent was directed to upload the owner details at his end. Thus, the names of the owners were uploaded in the PPM on 23.03.2022.

3. The Respondent, Sh. Jitender Kumar Gandhi, HCS, the erstwhile EO-II, HSVP, Gurugram appeared before the Commission via VC on 29.06.2022. He reiterated the submissions made in the reply dated 18.06.2022, stating that he had joined the office on 09.08.2021 and the complainant's application dated 23.06.2021 was processed by the office and was put up before him on 18.08.2021. He stated that for verifying the PPM entries of transfer, the applicants were asked to be physically present in the Estate Office on 06.10.2021 along with relevant documents and accordingly, Smt. Kanta Rani and Sh. Kamal Kumar remained present in the office on 06.10.2021 and the documents were verified by Deputy Superintendent, Sh. Raghbir Singh. On being questioned as to why the applicants were asked to remain present when in fact the re-allotment letter was already issued. The Respondent stated that for high value properties, it is important to verify that there is no pending litigation and therefore, the applicants were called for verification. However, after the verification on 06.10.2021, there was no further action on the file till 01.02.2022. The Commission observed that there was supervisory lapse on the part of Respondent and further directed the Respondent to submit all the file movements and noting for determining the pendency at each level of officials or officers.

4. Accordingly, a reply was received vide memo no. 1/SPL dated 29.06.2022 with file movement details and noting. The following were the details of the file movement as submitted by the Respondent: -

Date	File with User
23.06.2021	Application submitted in EO HSVP office
09.07.2021	Sh. Narender Kumar, Clerk submitted file to Assistant Sh Shish Pal
20.07.2021	Sh. Shish Pal, Assistant submitted the file to Deputy Supdt., Smt. Seema Garg
22.07.2021	Deputy Supdt., Smt. Seema Garg dealt file
09.08.2021	Sh. Jitender Kumar Gandhi, HCS, joined office as EO-II, HSVP, Gurugram
18.08.2021	File was put up to EO-II for consideration and was cleared by him on same day
24.09.2021	The transferor Kanta Rani and legal heirs of deceased allottee Mohinder Kumar were directed to appear in the office on 06.10.2021
06.10.2021	2 Legal heirs appeared before the Deputy Supdt., Raghubir Singh
28.12.2021	File dealt by Sh. Subhash Chander Assistant and was put up before EO-II on 01.02.2022

After examining the record, the Commission observed the following in the Interim Order dated 26.07.2022:

"It is observed that the request of the complainant dated 23.06.2021 was dealt late by the clerk, Sh. Narender Kumar on 09.07.2021 which was cleared by the Assistant Sh. Shishpal on 20.07.2021. Therefore, there is delay in dealing with the application at the initial stage itself by Sh. Narender Kumar, Clerk and Sh. Shishpal, Assistant. Thereafter, the file has been ostensibly cleared by Smt. Seema Garg on 22.07.2021 but same has been cleared by the Respondent on 18.08.2021 after he joined the office on 09.08.2021. Why the file was not cleared from 22.07.2021 to 09.08.2021 by the then EO-II, Gurugram? Therefore, Smt. Seema Garg, the then Superintendent should clarify as to where was the file from 22.07.2021 to 09.08.2021. The Respondent approved the proposal on 18.08.2021 but later there is addition in his order on 16.09.2021 as 'but PPM entries of transfer to be ascertained first. Put up with names of assistants and clerks who put up the file'. Subsequently, vide memo no. 7518 dated 24.09.2021, Smt. Kanta Rani Wd/o Late Sh. Mohinder Kumar, Sh. Kamal Kumar S/o Late Sh. Mohinder Kumar, Sh. Atul Kumar S/o Late Sh. Mohinder Kumar, Ms. Achla Saehar D/o Late Sh. Mohinder Kumar were asked to appear before the EO with relevant documents for biometric attendance and further action on 06.10.2021 stating that "you have applied for transfer permission of the subject cited SCO but with the consent of legal heirs of Sh. Mohinder Kumar was not produced at the time of approval of transfer permission". This communication was totally uncalled for as the Re-allotment letter had already been issued on 22.03.2018. The only thing required was to include the names of the allottees in the re-allotment letter which were missing. By asking these persons to appear before him and asking for the consent of legal heirs of Sh. Mohinder Kumar was



nothing but an act which was unwarranted and for delaying the delivery of notified service. Interestingly, only two legal heirs out of four appeared for biometric attendance on 06.10.2021 before Sh. Raghbir Singh, Deputy Superintendent and thereafter this file remained in dump.

Suddenly Sh. Subhash Chander, Assistant submitted the file on 28.12.2021 de novo without mentioning whether the legal heirs of Sh. Mohinder Kumar had been called in person, whether only two had appeared as against four and a clear proposal was submitted as was submitted earlier by the Deputy Superintendent on 22.07.2021 that the three names namely Anita Chandana, Adit Chandana & Ankit Chandana may be updated in the re-allotment letter. This file was cleared by Sh. Raghubir Singh, Deputy Superintendent on 28.12.2021 but was cleared by the Respondent after more than a month on 01.02.2022 as per which he has ordered that the reference be made to the HQ for getting the requisite correction/updation done. Hence, till 01.02.2022 this case was pending due to :-

- (i) Late submission of case by Sh. Narender Kumar, Clerk.
- (ii) Late clearing of the proposal by Sh. Shishpal, Assistant.
- (iii) No action on the file from 22.07.2021 till 09.08.2021 i.e. the date when the respondent joined.
- (iv) Unnecessary addition in his own orders dated 18.08.2021 by the respondent on 16.09.2021 and thereafter, without any orders on file, directing the legal representatives of Late Sh. Mohinder Kumar to appear before him on 06.10.2021.
- (v) No action on this file from 06.10.2021 till 28.12.2021 which has to be collectively explained by Sh. Subhash Chander, Assistant and Sh. Raghbir Singh, Deputy Superintendent. It may also be explained by them as to why the case was started de novo on 28.12.2021 without giving reference to the physical presence of only two out of four on 06.10.2021.

All the above persons should submit their replies by 22.08.2022. Sh. Jitender Kumar Gandhi, the then EO may similarly clarify these points in his supplementary reply by 22.08.2022.

There has been a further delay in this case after it was referred to the HQs. Administrator, Gurugram and Administrator, HQs to clarify whether the powers to correct the names in the re-allotment letter are vested in the HQ or the same can be done by the Estate Officer at his own level after getting permission of the Administrator. Administrator, HQs may also convey whether the correct procedure has been followed in getting the names of the allottees entered in the re-allotment letter by 22.08.2022. Copy of the reply of the EO except the documents pertaining to the illness of his son are being sent to both the officers.”

5. Accordingly, replies were received from the Respondent, Sh Jitender Kumar Gandhi vide letter dated 18.08.2022, the Deputy Superintendent, Sh Raghubir Singh vide letter dated 17.08.2022, Assistant Sh Subhash Chander vide letter dated 18.08.2022, and from erstwhile Assistant Sh. Shishpal vide letter dated 17.08.2022. It had been submitted by erstwhile Assistant, Sh. Shishpal that although the comments of the Clerk-Sh. Narinder were recorded on 09.07.2022, the file was received by him on 20.07.2021 and that he had submitted his remarks on the same day. Assistant, Sh. Subhash submitted that after the physical

appearance of the concerned two legal heirs dated 06.10.2021 for biometric attendance and for furnishing relevant documents, the file was started *de novo* by him on 28.12.2021 so that necessary action may be taken for the correction in the re-allotment letter. He further clarified that the file calling for physical appearance was marked to the Record keeper/Clerk Sh. Narinder Kumar on 27.09.2021 and that it was his duty to put up the same on 06.10.2021, which he failed to discharge in time. Deputy Superintendent, Sh. Raghubir submitted that the file was put up to him on 28.12.2021 and he had forwarded the same to the Estate Officer on the same day. He further stated that since the other two persons could not be present, copies of their ID Proofs were included in the record for further action. The Respondent, Sh. Jitender Kumar Gandhi clarified through his reply that there was a delay by his subordinates in putting up the file to him on 18.08.2021 which was disposed of by him on the same day. Regarding the need for personal appearance of the legal heirs of the allottees, he again clarified that the concerned were called by him with relevant record on 06.10.2021 so as to ascertain the genuineness of the applicants as the same was a high value transaction. Regarding his role in updation of records, he conveyed that the same was referred to the HQ on 03.02.2022, after which further action was to be taken from the HQ. Following another reminder letter dated 31.08.2022 to the Clerk, Sh. Narinder Kumar, a response dated 02.09.2022 was received from him vide which he submitted that the complaint was diarized and delivered to him by the receipt clerk on 06.07.2021, which was put up to the Assistant by him on 09.07.2021. No information regarding the delayed dealing of the file after the personal appearance of the concerned dated 06.10.2021 was submitted. The Commission observed through all the above responses that no satisfactory justification regarding either starting the case *de novo* or the delayed dealing of the file was shared by the office of the Respondent, except shifting the blame of delayed file submission on their immediate subordinates. Hence, an opportunity for a hearing before the Commission was accorded to Sh. Narinder-Clerk, Sh. Subhash-Assistant & Sh. Raghubir-Deputy Superintendent on 11.00 a.m at 10.10.2022 to submit their clarifications through all the relevant records in the matter. Further, since no submissions had been received regarding the clarification sought from the office of Administrator HQ, HSVP vide letter dated 29.07.2022 and reminder dated 31.08.2022, another reminder was issued in that regard to the office of the CA, HSVP vide letter dated 04.10.2022.

6. Accordingly, the hearing dated 10.10.2022 was attended by Sh. Narinder-Clerk, Sh. Subhash Chander-Assistant and Sh. Raghubir-Deputy Superintendent wherein the copy of the records of the case were furnished before the Commission. The dispatch register of the Estate Office was also furnished before the Commission, a copy of which has been kept on file. While referring to the same, it was stated by the Respondents that the file remained pending with the Record Keeper after being marked to him on 27.09.2021 for being put up after the personal appearance in the case dated 06.10.2021 until it was started *de novo* by the Assistant Sh. Subhash Chander on 28.12.2021 after the receipt of the Commission letter dated 28.12.2021 in reference to the complainant's case. However, even during the hearing, Sh. Narinder failed to provide any satisfactory clarification regarding the delay in dealing with the same. Moreover, he was not even aware of the file being pending with him at that point which was reflected through the entry no. 2 of the dispatch register dated 27.09.2021. A new piece of information was also submitted regarding the presence of the other two heirs through

Video Conferencing in the matter after they were unable to mark their physical presence on the date 06.10.2021. Following the hearing, the response of the Administrator, HSVP, Gurugram was received vide letter no. 18248 dated 10.10.2022 wherein it was clarified that the access to update the re-allotment letter lies with the Estate Officer through the Historical Data Link. However, since the present case deals with technical correction, the same is to be resolved by the IT Cell, HSVP, Panchkula which was completed on 23.03.2022 once the request was escalated through the Zonal Administrator data correction link on 10.03.2022 in the matter. Following this, another response was received from the Administrator HQ, HSVP vide letter no. 178227 dated 17.10.2022 wherein it was clarified that as per the instructions dated 29.10.2021, the Zonal Administrator is the approving authority regarding technical support and data correction issues and that the Administrator, HSVP, Gurugram had been directed to verify and intimate the Commission if correct procedure was followed by the Estate Office in the matter.

7. The Commission has carefully considered all the facts and circumstances of the case and has found the Respondent and the officials of his office dealing with the case namely, Sh. Raghubir-Deputy Superintendent, Sh. Subhash Chander-Assistant and Sh. Narinder-Clerk collectively responsible for the undue delay of over 8 months in the matter, since the requests for addition of the concerned names in the re-allotment letter was ultimately forwarded in the month of February 2022 to the HQ regarding the request of the complainant dated 28.06.2021. Moreover, since the matter pertained to the correction of a technical anomaly regarding the addition of missing names in the re-allotment letter which was already issued, initiating another round of personal appearance of the heirs of the concerned SCO dated 06.10.2021 was totally arbitrary on the part of the Respondent and without any reasonable cause, as the case was put up correctly with all the relevant details by his subordinates for updation of the missing names. He had only to approve the proposal to include the names of the transferees in the allotment letter which were inadvertently missed earlier. In the clarifications submitted by him during his personal hearing as well, the case owing to it being a high value transaction was cited as the reason for the personal appearance which is not deemed satisfactory by the Commission. Calling allottees in the office where same is not at all required is unethical and a corrupt practice which should be avoided at all costs. It is considered opinion of the Commission that despite his son's medical illness, his actions regarding placing the objections requiring personal appearance as detailed above were uncalled for and were clearly in violation of the standard procedure in such cases, causing unnecessary delay in the delivery of a notified service. Hence, exercising the powers vested in the Commission under the Section 17(1)(h) of the Haryana Right to Service Act, 2014, it imposes a token penalty of Rs.5,000/- upon him for causing delay in delivery of notified service to be paid out of his salary. Further, in view of the supervisory lapse on the part of both the Deputy Superintendent and the concerned Assistant to ensure timely action in the matter once the physical attendance was marked on 06.10.2021, the Commission also finds them responsible for causing further delay of another 2 months in the matter, since the case was started *de novo* by the Assistant only in the month of December 2021 after the intervention of the Commission. Thus, exercising the powers vested in the Commission under Section 17(1)(d) of the Haryana Right to Service Act, 2014, the Commission directs the Chief Administrator, HSVP to take disciplinary action against the defaulting officials of the Estate

Office II, Gurugram namely Sh. Raghubir, Deputy Superintendent and Sh. Subhash Chander, Assistant. CA, HSVP is further directed to complete the disciplinary action against the delinquents within six/three months in accordance with the directions of the Chief Secretary to Government of Haryana, as per which all disciplinary cases under Rule 7 and Rule 8 have to be completed in six/three months respectively. Finally, finding the Clerk Sh. Narender directly responsible for the delay in the re-initiation of the case once it was marked to him on 27.09.2021, thereby causing a delay of another 3 months in the delivery of a notified service, the Commission, while exercising its powers under the Section 17(1)(h) of the Haryana Right to Service Act, 2014, imposes a penalty of Rs.10,000/- upon him to be paid out of his salary. Both Shri Jitender Gandhi, HCS, the then Estate officer-II, HSVP, Gurugram and Shri Narender_Kumar, Clerk are directed to deposit this amount in the State Treasury Head No. 0070-60-800-86-51 within one month of the passing of these orders and inform the Commission. In case Shri Jintender Gandhi, HCS, the then EO-II, HSVP, Gurugram (now Joint Director - Admn., HIPA) and Shri Narender Kumar, Clerk, HSVP, Gurugram do not deposit the amount within one month, Director General, HIPA, Gurugram and EO-II, HSVP, Gurugram are requested to deduct the penalty amount from their salary for the month of December, 2022 to be paid in January, 2023 and deposit it in the State Treasury.

14th November, 2022

