



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.131/SM-301/4941

Dated: 15.11.2022

To

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

Subject: - Final order regarding Suo-moto notice no. HRTSC/File no.131/SM-301/4438 dated 17.10.2022.

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.

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



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Final Orders

(In respect of Suo Moto notice no. HRTSC/File no.131/SM-287/3942 dated 15.09.22 and no. HRTSC/File no.131/SM-301/4438 dated 17.10.22 issued to Sh. Sanjay Rohila, the then Executive Officer, Municipal Council, Bahadurgarh and Sh. Aman Kumar, the then Municipal Engineer, Municipal Council, Bahadurgarh)

1. On perusal of SARAL reports, 34 cases of Replacement of Street Lights were found pending beyond RTS timelines with Municipal Council, Bahadurgarh, Jhajjar, Haryana as on 20.06.22. Taking cognizance of the issue as it is related to notified service- Replacement of Street Light under the Haryana Right to Service Act, 2014, a letter dated 27.06.2022 followed by a reminder dated 21.07.2022 were sent to the Executive Officer, Municipal Council, Bahadurgarh, Jhajjar 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. It stated generic reasons like tender process issues and requirement of approval from the house as the reasons for delay. Finding the reasons unsatisfactory, 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 27.06.2022 issued by the then EO, Municipal Council, Bahadurgarh for the cases under question, it came to Commission's notice that Sh. Aman Kumar, Municipal Engineer, Municipal Council, Bahadurgarh was responsible for the delay in these cases related to replacement of street lights. Therefore, a suo-moto notice was issued to Shri Aman Kumar, 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. He was asked to submit his reply by 27.10.22 and appear for hearing before the Commission on 31.10.22.

2. Sh. Aman Kumar sent his reply on 28.10.22. The reply simply states that all the 34 complaints under question were resolved within the specified time and the complainants were also satisfied. It further states that the delay was only in updation on Antyodaya SARAL. This reply contradicted the reply dated 26.08.22 from EO, MC, Bahadurgarh which had stated that the cases had been delayed. Sh. Aman Kumar did not appear for the hearing dated 31.10.2022 despite notice.

3. The Commission has considered all the facts and submissions of the case. The initial reasoning provided by EO, MC, Bahadurgarh that the cases were delayed owing to pending tender process and pending approval of the house is not cogent. If a service is notified under the Haryana Right to Service Act, 2014 in public interest, the officers are bound to find ways to ensure its compliance for convenience to the citizens, which is the essence of any public service. In view of Sh. Aman Kumar being the Designated Officer for the delayed cases, his discrepant and generic reply and his failure to appear for the hearing, which was scheduled to give him the opportunity to explain the delay

on his part, he is held accountable for delay in delivery of notified service. Exercising powers conferred under Section 17(1)(h) of the Haryana Right to Service Act, 2014, the Commission imposes a token penalty of Rs. 5,000/- on him to be paid out of his salary. He may note that the Commission has exercised leniency in deciding the penalty amount considering the otherwise solvable issues informed by the EO. He should ensure that in future, until and unless there is a significant impediment which can't be solved at the level of MC, not a single case is delayed. He is directed to deposit the penalty in the State Treasury under the Receipts head 0070-60-800-86-51 and intimate the Commission along with photocopies of the Challan at its email ID- rtsc-hry@gov.in- within 30 days of issuance of these orders. In case the penalty is not deposited by him within the stipulated time, Executive Officer, Bahadurgarh is directed to deduct the amount of penalty from his salary of December month to be paid in January, 2023.

4. A suo moto notice had also been issued to Sh. Sanjay Rohila, the then Executive Officer, Municipal Council, Bahadurgarh for the supervisory lapse in the aforementioned 34 cases of Replacement of Street Lights and 8 delayed cases of Removal of Solid Waste service. The final orders in the cases of Removal of Solid Waste had been issued on 11.10.22. For the cases of Replacement of Street Lights, a letter dated 27.06.22 issued by them to Sh. Aman Kumar and others concerned was shared by Sh. Sanjay Rohila with his reply to the Commission dated 27.09.22. In a hearing dated 28.09.22, he had informed that owing to medical issues, he had been on leave for a while in the months succeeding that letter. In view of these submissions, the suo moto notice issued to Sh. Sanjay Rohila is hereby filed.

14th November, 2022

