

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

No. HRTSC/ File no-155/ SM-324 | 5143
Post & E-mail

Dated: 25.11.2022

Suo-moto Notice

To

Sh. Darshan Kumar, HCS,
Estate Officer, HSVP, Ambala, 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. Smt. Uma Gupta had submitted a complaint vide e-mail dated 18.09.2022(copy encl.) in reference to the plot allotted to her- residential properties-14 Marla at sector-8, Urban Estate, Ambala City, Plot no. 314. She informed that on applying for change on name of owner in property tax register with Municipal Corporation, Ambala, property tax amounting to ₹1968 was found pending for payment- for the period prior to the allotment of the plot to her. Regarding this, she had written to EO, HSVP, Ambala and had also submitted a complaint on CM Window but no action had been taken. Taking



cognizance of the issue as it prevented the complainant from obtaining a notified service under the Haryana Right to Service Act, 2014, namely- change in owner/occupier in the property tax register, with RTS timeline of 15 working days, a letter dated 28.09.2022 followed by a reminder dated 03.11.2022 was sent to the EO, HSVP, Ambala, Haryana to take cognizance and furnish action taken/ status report to the Commission by 14.10.2022 and 18.11.2022 respectively. In reference, a reply dated 02.11.2022 was received from EO, HSVP, Ambala, which was addressed to Commissioner, MC Ambala and endorsed to the Commission. It conveyed that the plot was lying vacant for the period for which property tax had been charged by the MC and seemed to asked for resolution of the same. It seems that the EO is not aware that Property Tax is levied on vacant plots as well and hence, should have been paid by the HSVP. The lapse on the part of EO, HSVP, Ambala has prevented the complainant from availing a notified service. Thus, a suo-moto notice is hereby issued to you, Sh. Darshan Kumar, HCS, Estate Officer, HSVP, Ambala, Haryana to ascertain the reasons for lapse leading to delay in the delivery of a notified service beyond the prescribed timelines and to further decide as to why a penalty of Rs.20,000 may not be imposed upon you and a compensation of ₹5000 may not be paid to the applicant in this case for your act of omission.

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. Darshan Kumar, HCS, Estate Officer, HSVP, Ambala, Haryana are directed to furnish the reply pertaining to this case by 09.12.2022 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. Darshan Kumar, HCS, Estate Officer, HSVP, Ambala, Haryana to appear before Shri T.C. Gupta, Chief Commissioner of Haryana Right to Service Commission, either in person or through Video-Conference at 10.30am on 13.12.2022 for further proceedings in this inquiry, if reply is not submitted by 09.12.2022.

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

Encl: As above



(Hitender Kumar, HCS)
Secretary

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

Endst. No HRTSC/ file no-155/SM-324/5144

Dated: 25.11.2022

A copy is forwarded to Smt. Uma Gupta (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