



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.87/ SM-219/ 5479

Dated: 21.12.2022

To

Sh. Afzal Khan,
RFO, Nuh

Subject: - Final order regarding Suo-moto notice no. HRTSC/File no.87/SM-219/2671 dated 01.07.2022.

I am directed to forward herewith a copy of the order dated 19.12.2022 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



HARYANA RIGHT TO SERVICE COMMISSION

S.C.O. No. 38 & 39 (2nd FLOOR), SECTOR 17-A, CHANDIGARH-160017

Website: www.haryana-rtsc.gov.in Telephone: 0172-2711050

ORDERS

Final Orders in respect of following suo moto notices:

1. HRTSC/File no.87/SM-88/1110 issued to Sh. Ram Kumar Jangra, DFO, Panchkula.
2. HRTSC/File no.87/SM-89/1111 issued to Sh.R.S.Dhull, DFO, Gurugram.
3. HRTSC/File no.87/SM-90/1112 issued to Sh. Suraj Bhan, DFO, Yamunanagar.
4. HRTSC/File no.87/SM-99/1121 issued to Sh. Bhupinder Singh, DFO, Panchkula.
5. HRTSC/File no.87/SM-219/2671 issued to Sh. Afzal Khan, RFO, Nuh.
6. HRTSC/File no.87/SM-224/2676 issued to Sh. Sunil Sharma, the then Range Forest Officer (Retd.), Pinjore.
7. HRTSC/File no.87/SM-229/2681 issued to Sh.G. Raman, IFS, APCCF Development Haryana, Panchkula.

1. An RTS review was held on 27.07.21 with the officials of Haryana Forest Department under the chairmanship of Chief Commissioner, Haryana Right to Service Commission to discuss the RTS performance of the Department in its two notified services – 190 'Permission for Felling of Trees' and 191 'NOC in respect of PLPA or Forest or Restricted Lands'. Inter alia, the Department was asked to share data pertaining to cases for the two services delivered outside RTS timelines for the period 01.07.20-30.06.21. The Department was further instructed to share monthly RTS performance reports with the Commission by 10th of every month. While data for the period 01.07.20-30.06.21 was shared by the Department vide their letter no. MIS/36 dated 02.09.21 informing of 521 and 114 delayed cases for both the services respectively across the State, the details pertaining to Designated Officers were missing. On Commission's reminder, revised data of delayed cases for the periods 01.07.20-30.06.21 and 01.07.21-07.01.22 was shared by the Department vide their letter no. MIS/92 dated 13.01.22. The same informed of 526 and 117 delayed cases for both the services respectively for the period 01.07.20-30.06.21 and; 36 and 9 delayed cases for both the services respectively for the period 01.07.21-07.01.22 along with the names of Designated Officers. The total of delayed cases across the two services for both the periods came to 688. 230 of these fell in the COVID wave 1 and 2 periods (July,20-August,20 and Mid-March,21-June,21). Considering that offices were functioning with limited staff and almost all Departments, including Forest, were also called upon to support the COVID relief work, all these cases were filed by the Commission. 17 cases were also filed owing to minor delays in very limited cases from the concerned officers and for 6 cases, explanation was sought from CF-Gurugram Office and PCCF office. For the remaining delayed cases- Suo moto notices were issued to 14 DFOs to ascertain the reasons for delay and if imposition of penalty was called for.

2. Replies were received from all of the 14 respondents and all of them also appeared for hearing before the Commission in person or through VC on 19.04.22.

3. Among others, in the following cases, the lapse was observed at the level of officers other than the 14 respondent DFOs and hence, the suo moto notices were issued to the

concerned, asking the respondents to reply by 21.07.22 and appear before the Commission for hearing on 25.07.22 in person or through VC:

	Application no.	Total Time Taken	Responding DFO	Lapses identified	Officer Involved
1	MEU29TX5P6	46 days	Sh.Ram Kumar Jangra (Panchkula)	Delay by CCF- Case sent to CCF office on 12.11.20 but received back on 14.12.20 with rejection orders.	CCF North-Sh.G.Raman, IFS
2	JA21PDHWM	31 days	Sh.Ram Kumar Jangra (Panchkula)	Discretionary Decision making by CCF- First Permission given for felling of 37 trees and then changed to 73 trees on approach of the applicant.	CCF North-Sh.G.Raman, IFS
3	K44JQ494X5	42 days	Sh.R.S.Dhull (Gurugram)	Delay on part of RFO- Case sent to RFO on 10.02.21 and received back on 13.04.21	RFO- Sh.Afzal Khan
4	M6PUX7FM5G	32 days	Sh.Suraj Bhan (Yamunanagar)	Unnecessary discretion on part of CCF	CCF North-Sh.G.Raman, IFS
5	R87684UY60	31 days	Sh.Bhupinder Singh (Panchkula)	Delay on the part of the RFO- Case sent to RFO on 12.02.21 for site verification but received back on 10.03.21.	Sh.Sunil Sharma
6	NAAWYFHYJV	31 days	Sh.Bhupinder Singh (Panchkula)	Delay on the part of the CF- Case sent to CF on 22.02.21 but received back on 17.03.21.	Sh.S.Narayanan , IFS

4. Submissions of replies and presence during the hearing was as follows:

Sr. No.	Officer Name	Date of Reply	Hearing attendance
1	Sh.Sunil Sharma	14.07.22	Did not appear
2	Sh.G.Raman	18.07.22	Appeared in person on 22.07.22
3	Sh,Afzal Khan	No reply	Did not appear
4	Sh.S.Narayanan	21.07.22	Appeared in person on 25.07.22

5. The proceedings of all the cases and Commission's and Commission's subsequent orders were as follows:

	Application no.	Responding Officers	Proceedings	Orders
1	MEU29TX5P6	CCF North-Sh.G.Raman, IFS	Sh.G.Raman, vide his reply dated 18.07.22 informed that while the application had been received by his office on 12.11.20, on observing certain deficiencies in the application (which according to him should have been identified at the DFO level only), he had written back to the DFO, vide letter dated 24.11.20, to seek the same from the applicant. The DFO only acted on the same by	From the letters shared by Sh.G.Raman, it seemed that the DFO did not share complete facts about the case with the Commission. Further clarification was sought on this matter from Sh.Ram Kumar Jangra vide Commission's letter dated 19.10.22.

			03.12.20 (both his and DFO's letters were enclosed with his reply). It was further stated by him the DFO eventually rejected the application on 14.12.20, based on his comments dated 24.11.20 but on a subsequent offline application by the same applicant dated 18.12.20, the applied for deviation was eventually granted on 29.12.20. During the hearing, when asked as to why the DFO would not share complete facts, he stated that the DFO might have thought that the Commission would not delve deeply into the case.	
2	JA21PDHWM	CCF North- Sh.G.Raman, IFS	Sh.G.Raman's reply informed that on 22.12.20, he had given permission for deviation of 37 trees only. However, on 25.01.21, his officer received a direct application from the applicant requesting for permission for 73 trees, which he marked to the DFO writing- 'May be considered and allowed'. His reply further stated that the DFO processed the case on the basis of this and should have ideally put up the case to him. He was told during the hearing dated 22.07.22 that his comments seem to convey approval on his side and the DFO not putting up the case again seems understandable. Had he wanted the case to be put up to him again, the same should have been clearly mentioned on the letter. His reply further stated that the DFO eventually issued the permission for deviation of 73 trees on 22.02.21. However, on perusal of the noting and the permission letter enclosed with the response, it was observed by the Commission that while the noting itself was prepared on 22.02.21, the permission has, in fact, been issued on 31.03.21 and surprisingly, mentions that it is valid till 31.03.21 only.	The reply from Sh.G.Raman seemed to convey multiple lapses on the part of the then DFO-Sh.Ram Kumar Jangra and also deficient disclosure of facts on his report. Thus, clarification on the same was sought from Sh. Ram Kumar Jangra vide Commission's letter dated 19.10.22.



3	K44JQ494X5	Sh.Afzal Khan	On telephonically checking, it was informed by Sh.Afzal that he did not receive the suo moto letter of the Commission.	Commission's letter was resent to him with directions to reply expeditiously.
4	M6PUX7FM5G	CCF North- Sh.G.Raman, IFS	Sh.G.Raman's reply dated 18.07.22 informed that while he had rejected the case on 13.08.20, the same was put up again up the DFO himself on 20.08.20 and not on his instructions. He based this argument on the fact that the DFO did not refer to any telephonic conversation in his proposal dated 20.08.20. On re-iterating the same during the hearing dated 22.07.22, he was told that mentioning of a telephonic conversation with a superior is probably not what a subordinate officer would do anyway simply out of general precedent. He further stated that his processing of the application on the same being put up on 20.08.20 was not wrong as the restriction till the end of September was on issuance of permission and not processing. He was told that if that was the case, he should not have rejected it in the first place on 13.08.20.	The Commission was not satisfied with the reasoning provided by Sh.G.Raman. PCCF, Haryana was requested to look into this particular case and provide their comments on the discrepancy highlighted.
5	R87684UY60	Sh.Sunil Sharma	No reply on this case was received from Sh.Sunil Sharma. On checking telephonically, he informed that he has retired from the service and he was not communicated about the requirement of his reply on this case.	The details of the case and explanation required from him was shared again for him to reply to the Commission.
6	NAAWYFHYJV	Sh.S.Narayanan, IFS	Sh.S.Narayanan, vide his letter dated 21.07.22, informs that the case, in fact, has been received in his office on 15.03.21. He also attached eOffice screenshots confirming the same.	In view of the documents presented by Sh.S.Narayanan, the suo moto notice against him was filed. However, clarification was sought from the DFO- Sh. R.S. Dhullon the misrepresentation of facts.

6. Sh. Ram Kumar Jangra submitted his reply vide letter dated 11.11.22. For case no. MEU28TX5P6, he stated that the timelines he had stated in his initial reply had mentioned of the online movements. He further informed that the same case was sent offline to the concerned CCF on 18.11.20. The same was returned by the CCF vide letter

dated 24.11.20, which was received in his office on 27.11.20. He further informed the applicant for submitting the required documents on 03.12.20, who in turn submitted it on 15.12.20. Post that, the approval process as informed by Sh. G.Raman was effected. For case no. JA21PDHWM, he stated that he had moved out of the position of DFO-Morni on 25.01.21 and the proceedings of applicant's request for deviation of 73 trees came up in that office post his transfer.

7. Sh. Afzal Khan did not send any reply/report even after repeated reminders from the Commission including telephonic ones.
8. For case no. M6PUX7FM5G, PCCF shared their comments vide letter dated 15.12.22. The same seems to just re-iterate the already known facts of the case and the restrictions on Tree cutting between April-September. Specific comments on the discrepancy between the assertions of the then CCF North, Sh. G. Raman and DFO- Sh. Suraj Bhan have not been provided.
9. Sh. Sunil Kumar Sharma submitted his reply vide email dated 06.10.22. He informed that the case was received in the range office on 12.02.21 and the applicant was contacted on 17.02.21 for joint field inspection but the latter was not available. Further letters dated 22.02.21 and 03.03.21 were also written to the applicant for the same but no response was received from them. Consequently, the application was recommended for rejection on 10.03.21.
10. Sh. R.S. Dhull submitted his clarification vide letter dated 28.10.22. He now confirms that the case was sent to the concerned CF office via eOffice on 15.03.21 only and his previous reply had been apparently based on a report downloaded from Antyodaya SARAL portal. For the delay, he now cites generic reasons like excessive workload and paucity of staff.

11. After careful consideration of all facts and circumstances, the orders in each case are as under:-

Sr. No.	Application no.	Orders
1	MEU29TX5P6	The delay in the offline process can be attributed to postal delays and subsequently to the applicant. However, this information should have been provided by Sh. Ram Kumar Jangra in his initial reply itself, which would have prevented such extended proceedings. While the Commission is filing this case, he should keep this in mind for any future requirements on his part. Also, as iterated in Commission's previous orders also, the Department should ensure that movement of the cases follow a singular online pathway as parallel offline movement creates confusion and leads to delays.
2	JA21PDHWM	In view of the information provided by Sh. Ram Kumar Jangra regarding his transfer from the office, this case is hereby filed. However, PCCF may note the lapses highlighted in this case and take necessary corrective steps to ensure that the same are not repeated in future.
3	K44JQ494X5	In view of lack of response from Sh. Afzal Khan, the delay between 10.02.21-13.04.21 on his part is attributed prima facie to his

		negligence. Thus, for the delay in delivery of a notified service, exercising powers conferred under Section 17(1)(h) of the Haryana Right to Service Act, 2014, the Commission imposes a penalty of Rs. 5,000 (five thousand only) on him.
4	M6PUX7FM5G	The circumstantial evidence still suggests that the case would have been put up again on 20.08.20 on the asking of Sh. G. Raman only. Since the case was eventually accepted in September, the Commission is filing this case with an advisory to both the concerned officers to clearly specify any proceedings on file in future to avoid similar discrepant circumstances. PCCF is also advised to standardize a single online movement of cases and prohibit any physical and double movement of files.
5	R87684UY60	In view of the information provided by Sh. Sunil Sharma, the delay is found at the end of the applicant. This case is thus filed with an advisory to those involved that the rejection of cases should also be effected within RTS timelines and unless there are reasonable grounds to do so, inordinate extensions should not be provided to applicants either.
6	NAAWYFHYJV	Commission's conveys its displeasure for Sh. R.S.Dhull for the lack of due diligence on his part in submitting a reply. The same resulted in issuance of an unnecessary Suo Moto Notice to Sh. S. Narayanan, wasting both his and the Commission's time and efforts. Further, the reasons for delay provided by him are generic. Still, considering the recent good performance of the Department as a whole in terms of delivery of services within RTS timelines, the Commission is taking a lenient view and imposing only a token penalty on him. In view of the delay caused in the delivery of a notified service for which Sh. R.S. Dhull was the Designated Officer, exercising powers under Section 17(1)(h) under the Haryana Right to Service Act, 2014, the Commission imposes a token penalty of Rs. 1,000 (one thousand only) on him.

12. All the officers/officials on whom penalty has been imposed are directed to deposit the penalty out of their pocket 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 this is not done, PCCF is directed to deduct the amount of penalty from their salary of January, 2023 month to be paid in February, 2023.

13. It may also be noted that vide Commission's letter dated 15.07.22, it was highlighted to PCCF that there is lack of clarity regarding the 'ban period' for tree cutting between April-September. He had been asked to issue clear instructions. A reminder for the same was also mentioned at paragraph 5 of Commission's orders dated 14.10.22. Yet, no action has been taken on the same. PCCF should note Commission's displeasure on this seeming apathy. He is again advised to issue clear instructions in this respect to avoid any discretionary practices by field officers. ACS, Forest and Wildlife Department is also requested to look into this matter.

19th December, 2022

