

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

No. HRTSC/ File No. 163 / SM-336 / 212
Post & E-mail

Dated: 16.01.2023

Suo-moto Notice

To

Sh. Braham Prakash,
Tehsildar-cum-Circle Revenue Officer,
Bass, Hisar, 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;

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. Sh. Ramesh Kumar had submitted a complaint vide e-mail dated 07.09.2022 (copy encl.) regarding attestation of uncontested mutation of registry document no.1099 dated 04.01.2021 which has been pending since January 2021 due to correction through badar. The same was corrected by the Patwari post a delay of 1.5 years but mutation is still pending. Taking cognizance of the issue as it is a notified service at serial no. 5 namely Attestation of uncontested Mutation (under Department of Revenue) with notified timeline of 30 days, a letter no. 4064 dated 22.09.2022 followed by reminder dated 03.11.2022 were sent to the Sub Divisional Magistrate-



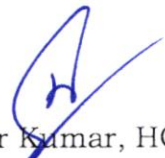
cum, FGRA, Hisar, Haryana to take cognizance and furnish action taken/ status report to the Commission by 07.10.2022 and 18.11.2022 respectively but no reply was received. Therefore, a suo-moto notice was wrongly issued to Sub Divisional Magistrate, Hisar, Haryana instead of SDM, Narnaud. Thereafter, reply dated 04.01.2023(copy encl.) was received from the SDM, Narnaud and on perusal of the same, it was found that the registry is of 04.01.2021 but mutation has been entered on 23.12.2022 i.e after delay of one year and 11 months and that too only after the intervention of the Commission. Thus, a suo-moto notice is hereby issued to you, Sh. Braham Prakash, Tehsildar-cum-Circle Revenue Officer, Bass, Hisar, Haryana being designated officer to ascertain the reasons for delay(from 04.08.2022 to 31.12.2022) in delivery of notified service beyond the prescribed timelines and to further decide as to why a penalty of ₹ 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. Braham Prakash, Tehsildar-cum-Circle Revenue Officer, Bass, Hisar, Haryana are directed to furnish the reply pertaining to this case by 31.01.23 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. Braham Prakash, Tehsildar-cum-Circle Revenue Officer, Bass, Hisar, Haryana to appear before Shri T.C. Gupta, Chief Commissioner of Haryana Right to Service Commission, either in person or through Video-Conference at 10:30 am on 06.02.23 for further proceedings in this inquiry.

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

Encl: As above

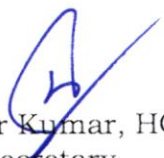



(Hitender Kumar, HCS)
Secretary
For Haryana Right to Service Commission
E-mail: rtsc-hry@gov.in

Endst. No HRTSC/ File No. 163/SM - 336/213

Dated: 16.01.2023

A copy is forwarded to Sh. Ramesh Kumar (complainant) to inform him to be present through VC during hearing.


(Hitender Kumar, HCS)
Secretary
For Haryana Right to Service Commission
E-mail: rtsc-hry@gov.in