



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

File No. HRTSC/ File no.92/SM-114/F&S /306

Dated: 20.01.2023

To

Sh. Kushal Pal Bura,
DFSC Yamunanagar

Subject: - Final order regarding Suo-moto notice no. HRTSC/ File no.92/SM-114/F&S dated 07.04.2022.

I am directed to forward herewith a copy of the order dated 19.01.2023 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



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Final Order in respect of Suo Moto notices no:

1. HRTSC/File no.92/SM-110/F&S dated 07.04.2022 issued to Sh. Braham Dutt, Inspector, Food, Civil Supplies & Consumer Affairs Haryana (Palwal).
2. HRTSC/ File no.92/SM-111/F&S dated 07.04.2022 issued to Sh. Yogesh, Sub-Inspector, Food, Civil Supplies & Consumer Affairs Haryana (Palwal).
3. HRTSC/ File no.92/SM-112/F&S dated 07.04.2022 issued to Sh. Bed Singh, Sub-Inspector, Food, Civil Supplies & Consumer Affairs Haryana (Palwal).
4. HRTSC/ File no.92/SM-114/F&S dated 07.04.2022 issued to Sh. Kushal Pal Bura, Sub-Inspector, District Food, Civil Supplies & Consumer Affairs Haryana (Yamunanagar)
5. HRTSC/ File no.92/SM-115/F&S dated 07.04.2022 issued to Sh. Balak ram, Sub-Inspector, Food, Civil Supplies & Consumer Affairs Haryana (Ambala)
6. HRTSC/ File no.92/SM-116/F&S dated 07.04.2022 issued to Sh. Prem Puran Singh, Inspector, Food, Civil Supplies & Consumer Affairs Haryana (Gurugram)
7. HRTSC/ File no.92/SM-118/F&S dated 07.04.2022 issued to Sh. Bhupinder Ahlawat, Inspector, Food, Civil Supplies & Consumer Affairs Haryana (Panipat)

1. A review meeting to assess the status of delivery of notified services under Haryana Right to Service Act, 2014 was held under the Chairmanship of the Chief Commissioner, HRTSC on 30.07.2021 which was attended by Sh. Anurag Rastogi, IAS Principal Secretary to Govt. of Haryana, Dr. Chandra Shekhar Khare, IAS, Director along with Sh. N.K Mittal, Addl. Director, Food, Civil Supplies and Consumer Affairs Department, Haryana. It was decided in the meeting that the Department will share information regarding 100 most delayed cases in respect of each notified service to ascertain the reasons of delay for the time period from 01.07.2020 to 30.06.2021. The Department was further instructed to share monthly RTS performance reports with the Commission by 10th of every month. As this information was not furnished, a reminder letter dated 03.12.2021 was issued to the Director, Food, Civil Supplies & Consumer Affairs, Haryana to provide the information regarding 100 most delayed cases in issuance of ration cards and the monthly RTS performance report. In reference to this, a memo dated 31.12.2021 was received from Nodal Officer-Cum-Additional Director, Department of Food, Civil Supplies and Consumer Affairs, Haryana vide which information regarding 100 most delayed cases in issuance of ration cards from 01/07/2020 to 30/06/2021 was provided. On perusal of the data, it was observed that the names of 8 officers were submitted by the Department, wherein 5 officials from Panipat and Palwal were found responsible for delay in 56 and 39 cases respectively and 3 officials from Gurugram and Yamuna Nagar for 2 cases each. Further, the Nodal Officer-Cum-Additional Director, Department of Food, Civil Supplies and Consumer Affairs, Haryana vide no. FG-2 (RTS)/2022/489 dated 10.01.2022 also submitted the monthly RTS performance reports. It was observed that for services under the Food Supplies and Consumer Affairs branch, total applications received were 552 of which

523 were disposed off in time and 4 had been disposed off outside RTS and 29 applications were under process. Herein, for Service at Sr. No. 2 " Surrender of Ration card application form with issuance of surrender certificate", reason for delay for the 4 applications was mentioned as "Faulty Internet Connection", which was the same as the reason claimed for same service in the November report received vide Memo No. FG-2 (RTS)/2021/22254 dated 09/12/2021 that mentioned the reason for delay in 1 application was due to inactive internet connection from 11/11/2021 to 16/11/2021. It was noted that all 4 applications belong to different districts namely Karnal, Rewari, Hisar and Sonapat and thus a report was sought with respect to this internet connectivity issue affecting the provision of services under RTS from the Additional Director cum Nodal Officer RTS, Food, Civil Supplies and Consumer Affairs Department. Further, for services under Brick Kiln branch, total 23 applications were received of which 20 applications were disposed off in time and 2 were disposed off beyond RTS timeline. It was mentioned that the reason for delay in disposing of the 2 applications was that the AFSO, Jagadhari contracted Dengue due to which he was unable to process the applications for this service. It was noted, however, that the November, 2021 report also mentioned the same reason for delay in 2 applications [but belonging to one applicant] processed outside the RTS timeline and thus a Suo Moto notice was issued to DFSC, Yamunanagar Jagadhari for the delay in 2 applications processed outside RTS. Accordingly, following Suo moto notices were issued to 9 officials of the Food Civil Supplies and Consumer Affairs Department to ascertain the reasons for delay and if imposition of penalty was called for:

Sr. No	Suo Notice vide	Moto issued	Name and designation of Officer	District to which the cases in question pertained to	Number of Cases for which Suo Moto issued
1	HRTSC/File no.92/SM-110/F&S		Sh. Braham Dutt, Inspector, Food, Civil Supplies & Consumer Affairs	Palwal	5 cases
2	HRTSC/ no.92/SM-111/F&S	File	Sh. Yogesh, Sub-Inspector, Food, Civil Supplies & Consumer Affairs	Palwal	8 cases
3	HRTSC no.92/SM-112/F&S	File	Sh. Bed Singh, Inspector, Food, Civil Supplies & Consumer Affairs	Palwal	8 cases
4	HRTSC/ no.92/SM-114/F&S(CP-58-62)	File	Sh. Kushal Pal Bura, DFSC	Yamunanagar	1 case
5	HRTSC/ no.92/SM-115/F&S(CP-64-66)	File	Sh. Balak Ram, Sub-Inspector, Food, Civil Supplies & Consumer Affairs	Ambala	2 cases
6	HRTSC/ no.92/SM-116/F&S(CP-68-70)	File	Sh. Prem Puran Singh, Inspector, Food, Civil Supplies & Consumer Affairs	Gurugram	1 case
7	HRTSC/ no.92/SM-118/F&S(CP-76-84)	File	Sh. Bhupender Ahlawat, Inspector, Food, Civil Supplies & Consumer Affairs	Panipat	56 cases

All of them were asked to send their replies by 22.04.2022 and appear before the Commission on 26.04.2022 in person or through VC. Replies were received before the hearing from all officials except Sh. Braham Dutt and all the officials appeared for the hearing on 26.04.2022 through VC except Sh. Braham Dutt. After careful consideration of all the submissions received in the matter, the Commission had filed the Suo-Moto Notices issued to Sh. Ravi Prakash & Ms. Annu vide Final Orders dated 10.05.2022 and had observed the following regarding the remaining Suo-Moto Notices issued to Sh. Braham Dutt, Sh. Yogesh, Sh. Bed Singh, Sh. Kushal Pal, Sh. Balak Ram, Sh. Prem Puran and Sh. Bhupinder Ahlawat vide Interim Orders dated 10.05.2022 as under:

"2. Sh. Braham Dutt, Inspector, Food, Civil Supplies & Consumer Affairs has neither submitted his reply nor attended the hearing on 26.04.2022. The Director, Department of Food, Civil Supplies and Consumer Affairs, Haryana is directed to seek explanation for the insubordination shown by Sh. Braham Dutt, Inspector, Food, Civil Supplies & Consumer Affairs, Palwal and apprise the Commission about the posting details of Sh. Braham Dutt so that further orders can be passed in this case.

Sh. Yogesh, Sub-Inspector, Food, Civil Supplies & Consumer Affairs had sent his reply on 21.04.2022. In the reply, he submitted that 4 out of the 8 delayed cases were from Hodal block whereas he was working in Palwal circle. Further, he stated that he was given the charge for ration card applications on 30.12.2020 and the delayed applications were from July 2020. He submitted that the 4 applications were not reflecting on his login and the pendency may be on the part of the concerned AFSO. He reiterated the written submissions during the hearing and submitted that once a card is approved by the Inspector, it shows pending till the final approval from AFSO is not received and thus the concerned AFSO is responsible for delay in the applications. The Commission was not satisfied with the response and it was conveyed to the Respondent that even if applications from July 2020 were pending at the time of his joining, it was his responsibility to process the said applications. Further, the Director, Department of Food, Civil Supplies and Consumer Affairs, Haryana is directed to send the comments on the reply with respect to the applications from Hodal block reflecting incorrectly in the login of the Palwal circle official.

3. Sh. Bed Singh, Inspector, Food, Civil Supplies & Consumer Affairs had sent his reply vide memo no. IFS/2022/18 dated 22.04.2022. In the reply, he submitted that he was deputed in the PR Center, Palwal from December 2018 to December 2020 and vide duty roster orders no. 483 dated 01.07.2020, the work of processing ration card applications was allotted to Sh. Brahma Dutt and thus he is not responsible for the delay in processing of ration cards applications between 01/07/2020 to 30/06/2021. He also stated that there were electricity and internet connectivity issues due to which the staff dealing with all the applications from Hodal block have assigned/marked incorrectly to official of Palwal circle online applications via their respective personal mobile phones, making it difficult to process the applications in time. During the hearing, the Respondent reiterated the

written submissions and mentioned that there were verbal orders of DFSC to deal with ration card applications collectively. However, no such written orders were made to that effect. Further, he claimed that the said applications are not reflecting on the ePDS currently in order for them to be disposed off. The Director, Department of Food, Civil Supplies and Consumer Affairs, Haryana is directed to send the comments on the reply with respect to the technical issues raised by the Respondent as well as the physical constraints mentioned in the form of lack of electricity and internet proving to be a deterrent for the smooth functioning of the Department.

4. Sh. Kushal Pal Bura, DFSC submitted his reply vide memo no. IS-2022/2016 dated 18.04.2022. He has submitted that the applicant had applied for the service 'Constitute a team for measurement of distance parameters' with respect to Issuance of Brick Kiln license on 01.09.2020 and accordingly, a committee was formed on 02.09.2020. Thereafter, the case was presented to the Deputy Commissioner for approval on 11.09.2020 and the same was further forwarded to AFSO Jagadhari after approval on 11.09.2020 wherein AFSO Jagadhari was directed to take necessary action in the matter by 25.09.2020. A copy of the same was also forwarded to Tehsildar Radaur. Multiple reminder letters dated 28.09.2020, 13.10.2020, 28.10.2020 were issued to AFSO Jagadhari and finally, the requisite report was presented by AFSO Jagadhari vide his office memo no. AFSO-2020/349 dated 29.10.2020. The report, however, did not contain the signatures of Tehsildar Radaur. A separate report was submitted by Tehsildar Radaur on 04.11.2020. The two officials were directed to present a combined report which was finally submitted on 06.01.2021. The Respondent reiterated the submissions during the hearing and stated that the Sh. Virendra Kumar, AFSO Jagadhari and Tehsildar Radaur were responsible for the undue delay in delivery of the service. The submissions seem to be satisfactory but a final decision will be taken subsequently Sh. Kushal Pal Bura, DFSC is directed to send the name of the then Tehsildar, Radaur to the Commission by 20.05.2022. The Commission will be issuing a suo moto notice to Sh Virendra Kumar, AFSO Jagadhari and the then Tehsildar Radaur for explaining the inordinate delay in processing the said application.

5. Sh. Balak Ram had sent his reply vide memo no. IFS-2022/SPZ-2 dated 22.04.2022. In the reply, he has stated that the delayed cases are related to PR Center Sadhaura for the duration of 2020-2021 and further that there were numerous technical issues related to the ePDS website at that point in time due to which there was delay in approving the applications. He reiterated the submissions during the hearing. On being questioned regarding the current status of the applications, he mentioned that they were now approved. However, the same was not mentioned in the reply. The Commission thus directed him to send a reply with current status of application with all requisite details including name of applicant, application IDs and date of processing the approval by 29.04.2022. No reply has been received and therefore, he is further afforded an opportunity to submit the information by 20.05.2022 failing which, it will be presumed by the Commission

that the verbal information given by him was false and further orders for imposition of penalty will be passed by the Commission.

6. Sh. Bhupender Ahlawat submitted his reply vide memo no. IFS/SMK/2022/2287 dated 15.04.2022. In the reply, he has stated that the 56 delayed applications from 21.12.2020 were wrongfully reflecting at the end of P.R. Centre Samalkha which originally were concerned with P.R. Centre Panipat. He has further stated that the same was conveyed to Circle office, Panipat on 21.12.2020. However, no action was taken in this regard by them. He conveyed the same to the Headquarters vide letter no. F.G-2-2021/18199 dated 21.09.2021, reminder letter no. F.G-2-2021/19701 dated 21.10.2021 and to Circle Office Panipat vide letter no. I.D-2021/5191 dated 21.09.2021 and letter no. A.F.S.O-SMK/2021/1085 dated 22.09.2021 and reminder dated 21.10.2021. Despite multiple communications through letters, Emails and telephonic conversation, the issue remained unresolved. The Respondent reiterated the written submissions made and requested for the Headquarters' guidance for resolution of the technical issue causing delay in delivery of 56 applications from December 2020. The Director, Department of Food, Civil Supplies and Consumer Affairs, Haryana is directed to provide clarification as to why the name of the respondent regarding the 56 cases was submitted despite being aware of the technical difficulties in processing of the applications. He is also directed to explain the action taken on the communications by Sh. Bhupinder Ahlawat and if no action was taken, then who in the Headquarters is responsible for the same."

2. Accordingly, in compliance with the Interim orders dated 10.05.2022 passed by the Commission, reply vide memo no. 2017 dated 18.04.2022 was received from Sh. Kushal Pal Bura, Yamunanagar vide which the name of the Tehsildar, Radaur was submitted. Reply vide memo no 603 dated 20.05.2022 was received from Sh. Prem Puran Singh vide which he provided the requisite details regarding 1 application delayed on his end and reply vide memo no. SPL-1 dated 20.05.2022 was received from Sh. Balak Ram vide which he submitted that the application with ID no. RS2009173200 was now approved and ration card no. 066005150596 was provided to the applicant. He further stated that COVID lockdown and technical issues were the reasons for delay of more than 108 days in dealing with this application.

Further, clarifications in the above mentioned cases were received from the Nodal Officer-cum-Joint Director (RTS) for Director F&S vide letter dated 09.06.2022 wherein regarding Sh. Braham Dutt, it was submitted that an explanation of Sh. Braham Dutt, IFS was sought from Headquarters and the same was received by him through DFSC, Palwal but no reply from his side has been received at Headquarters. Therefore, due necessary action was recommended to be taken against him. Regarding Sh. Yogesh, it was submitted that after examining the documents provided by DFSC, Palwal and NIC, Haryana it had been found that Sh. Yogesh, SIFS is innocent, the reason being that he joined for ration card work after 30.12.2020 and Sh. Braham Dutt, IFS, Sh. Bed Singh, IFS and Sh. Vinay Mudgil, AFSO, Palwal were responsible for delay in the said services. Regarding Sh. Bed Singh, it was submitted that after examining the documents provided

by DFSC, Palwal and NIC, Haryana it had been found that Sh. Bed Singh, IFS, Palwal was responsible for the delay in the said cases. Regarding Sh. Bhupender Ahlawat, it was submitted that letter no. F.G-2-2021/18199 dated 21.09.2021, reminder letter no. F.G-2-2021/19701 dated 21.10.2021 were issued by Headquarters to DFSC, Panipat. In compliance with these letters, DFSC, Panipat further issued letter no. 1.D-2021/5191 dated 21.09.2021 to their subordinate officers. Letter dated 22.09.2021 and reminder dated 21.10.2021 were written by Sh. Bhupender Ahlawat to DFSC, Panipat much after the letters issued from the Headquarter. Due necessary action was supposed to be taken at the level of IFS/AFSO office but he did not take the requisite action in time and indulged in the unnecessary correspondence that too after a considerable delay in the said cases had already taken place.

3. Following this, the posting details of Sh. Brahm Datt & the comments upon the internet connectivity related issues in Palwal & the technical issues pertaining to the applications of the Hodal block being marked to Palwal circle were sought again from the Director, F&S vide letter dated 05.08.2022 & reminder dated 22.08.2022. In response to the same, vide letter dated 24.08.2022 from the Director, F&S, it was clarified that the internet issues/electricity delay cannot be the cause of the delay of 185 days or above. It was stated that as per the comments received from NIC Haryana, the delay was at the level of Sh. Brahm Datt, Inspector & Sh. Vinay Mudgil AFSO Palwal. However, the Commission noted that the issue regarding applications of Hodal block being marked to Palwal circle was not addressed in the previous response. Hence, a clarification was again sought vide letter dated 05.09.2022. In response, another letter dated 16.09.2022 was received from the Director, F&S wherein the detailed status of the cases was mentioned and it was stated that there was no manual changing/redirection of the applications once they were marked to a particular block/circle at the time of application submission. It was also mentioned that maximum time was being taken in the printing of the card i.e when the RC is finally issued to the applicant.

4. The Commission has carefully considered all the facts and circumstances and the final orders are as under: -

i. **Shri Brahm Dutt, Inspector, Palwal:** - The Commission has observed that neither he had submitted the reply earlier nor appeared for personal hearing. The DFSC, Palwal has held him responsible and the Director, F&S sought his explanation from the HQs which was reported to be delivered to him through DFSC, Palwal but no reply has been sent by him even to HQs. The Director, F&S vide letter dated 31.05.2022 to the Commission has recommended that due necessary action be taken against him. Therefore, finding him guilty for the delay in service in all the 8 cases pertaining to him and Shri Yogesh, the Commission, in exercise of its powers under Section 17(1)(h) of the HRTS Act, 2014, imposes a token penalty of Rs. 2,000/- each i.e. total of Rs. 16,000/-.

ii. **Shri Yogesh, Sub Inspector, Palwal:** - The Director, F&S vide his letter dated 31.05.2022 has informed the Commission that after examining the documents

provided by DFCS, Palwal and NIC, Haryana, it has been found that Shri Yogesh, SIFS is innocent person as he was assigned ration cards work after 30.12.2020 and Shri Braham Dutt, IFS, Shri Shri Bed Singh, IFS and Shri Vinay Mudgil, AFSO, Palwal are responsible for delay in the services. In view of the detailed comments provided by the Director on the basis of record, they are held responsible for delay in delivery of notified service in these 8 cases and the Commission, in exercise of its powers under Section 17(1)(h) of the HRTS Act, 2014 imposes a token penalty of Rs. 1,000/- on Shri Vinay Mudgil i.e. total of Rs. 8,000/-. Penal action against Shri Braham Dutt and Shri Bed Singh has been separately ordered in these orders. A very lenient view is being taken because it has been found that the delay was mainly in Ration Card printing but in most of the cases, inspection was also delayed for which, these officials have been held responsible by the Director.

iii. **Shri Bed Singh, Inspector, Palwal:** - As per the comments of DFSC, Palwal, Shri Bed Singh has been held responsible for delay in issuing the ration cards because he was assigned this work vide orders dated 01.09.2020. It has also been mentioned that the applications in question belonged to RC, Palwal Block for which he was responsible. It has been categorically stated that he did not issue the Ration Cards during his tenure which he was required to issue. Hence, he is responsible for this lapse. Director, F&S vide his letter dated 31.05.2022 has endorsed these comments and held Shri Bed Singh responsible for delay in these 8 cases. Therefore, in exercise of its powers under Section 17(1)(h) of the HRTS Act, 2014, the Commission imposes a penalty of Rs.1000/- in each case of delay i.e. total Rs. 8,000/-. At the same time, the Director, F&S as well as DFSC, Palwal are directed to look into the issues of internet connectivity on priority as well as other infrastructure issues pointed out by Shri Bed Singh in his reply.

iv. **Shri Kushal Pal Bura, DFSC, Yamunanagar:** - As per the reply dated 18.04.2022 of the Respondent, he is not at fault and for the delay, the then AFSO, Jagadhri and Tehsildar, Radour are responsible. However, since the applicant himself had given in writing that he did not want his brick kiln licence to be processed and requested for keeping it pending, the suo-moto notice issued to Shri Kushal Pal Bura is hereby filed.

v. **Shri Balak Ram, Sub Inspector, Ambala:** - The Commission has observed that since the Respondent had conveyed regarding the two delayed applications that processing of the one falling under his jurisdiction was done with a delay due to covid 19 and that another application was not of his circle, in view of the above and his reply dated 20.05.2022, the suo-moto notice issued to him is hereby filed with an advisory to be careful in future since the no. of delayed cases is only 1 as detailed above.

vi. **Shri Prem Puran Singh, Inspector, Gurugram:** - In view of his reply dated 20.05.2022 and the delay on the concerned applications being due to delayed submission of complete documents by the applicant, the suo-moto notice issued to him is hereby filed.

vii. **Shri Bhupinder Ahlawat, Inspector, Panipat:** - The Director, F&S vide his letter dated 09.06.2022 has informed that due necessary action was supposed to be taken at the level of IFS/AFSO office but he did not take the requisite action in time and indulged in unnecessary correspondence, that too after considerable delay in the said cases had already taken place. Further, the DFSC, Panipat vide his letter dated 27.05.2022 has commented that these 56 applications were received from 02.07.2020 to 05.09.2020 but the Respondent did not dispose of these cases as he had little knowledge about the computer. Both of them have been held responsible for delay in these cases because 56 applications which were being shown pending in Samalkha Centre which actually belonged to Panipat Centre and the same was mentioned in the comments box. However, in view of the confusion created by this technical glitch and also due to covid restrictions during that time and incomplete knowledge of computers on the part of Shri Bhupinder Ahlawat, a lenient view is taken and the suo-moto notice issued to him is hereby filed, especially in view of the fact that these applications pertained to Panipat which he was not supposed to approve. There was a delay on his part in rejecting these applications. He is advised to learn the job of processing the applications on computer and in case any lapse is noticed on his part in future, lenient view will not be taken.

All the Officers / officials on whom penalties have been imposed are 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 them within the stipulated time, the Director, F&S is directed to deduct the amount of penalty from their salary of February, 2023 to be paid in March, 2023 or to issue orders to the concerned DDOs to do the same and deposit the same in the State Treasury.

January 19th, 2023

