

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

No. HRTSC/File no. 169 / SM-349 / 553
Post & E-mail

Dated: 02.02.2023

Suo-moto Notice

To

Sh. Amit Chaudhary,
Assistant Engineer, Municipal Corporation,
Ballabgarh, 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. On perusal of SARAL reports as on 14.10.2022, 299 applications of notified services were found pending beyond RTS timelines with MC, Faridabad. As for all applications pertaining to the Corporation, the Commissioner of the Corporation is the SGRA, a notice dated 02.11.22 was issued to the Commissioner, MC, Faridabad to take cognizance of each application and send explanation for delay and names of officers responsible for delay in each case to the Commission by 25.11.2022. In reference, a memo no. 162 dated 24.11.2022 was received from the Commissioner, MC, Faridabad. On perusal the same, it was found that in 1 case(mentioned at serial no.6 of the enclosed list) related to "booking of community centre" you were the designated officer and reason provided for delay was that the MC was not aware of such services being delivered and did not have log in details either. This explanation is not at all acceptable. If a service has been listed on SARAL portal for years and was also notified under the Haryana Right to Service Act. 2014 vide notification dated 16.08.22, it was the responsibility of MCF officials to look into the same. Ignorance of statutory duty is not a valid excuse. Thus, a suo-moto notice is hereby issued to you, Sh. Amit Chaudhary, Assistant Engineer, Municipal Corporation, Ballabgarh, Haryana being designated officer, so as 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 the material 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. Amit Chaudhary, Assistant Engineer, Municipal Corporation, Ballabgarh, Haryana are directed to furnish the reply pertaining to this case by 17.02.2023 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. Amit Chaudhary, Assistant Engineer, Municipal Corporation, Ballabgarh, Haryana to appear before Shri T.C. Gupta, Chief Commissioner of Haryana Right to Service Commission, either in person or through Video-Conference at 11.00 am on 20.02.2023 for further proceedings in this inquiry.

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



S. Khan

(Sube Khan)

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