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

No. HRTSC/File no. 136 / 2M-357/1198 **Dated:**21.03.2023
Post & E-mail

Suo-motoNotice

To

Sh. Ajit Balaji Joshi, IAS
Chief Administrator,
HSVP, Panchkula

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;

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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. A review meeting was held under the Chairmanship of Sh. T.C. Gupta, Chief Commissioner, HRTSC on 26.07.2021 which was attended by Sh. A.K Singh, IAS, Principal Secretary to Government of Haryana, Town & Country Planning Department, Haryana, Sh. K. Makrand Pandurang, IAS, Director, Town & Country Planning Department, Haryana along with Sh. P.P Singh, STP, Town & Country Planning Department, Haryana wherein it was decided that the Department/Organization will share monthly RTS performance reports with the Commission by 10th of every month. The minutes of this meeting were forwarded vide Commission's letter no. 1122/Secy/HRTSC/2021 dated 28.07.2021 to Principal Secretary to Government of Haryana, Town & Country Planning Department for information and further necessary action but no monthly status of applications received pertaining to services notified under the Haryana Right to Service Act, 2014 was received. Further, since the status of applications pertaining to Notified Service "Removal of Encroachment" at Sr. No. 28 of the HARYANA GOVT. GAZ. (EXTRA.), DEC. 3, 2021 (AGHN. 12, 1943 SAKA) of HSVP is neither available on SARAL portal nor received from the concerned organization HSVP under the Department of Town & Country Planning, Haryana, therefore, letter dated 27.04.2022 followed by reminders dated 19.05.2022, 20.06.2022, 19.07.2022 and 03.11.2022 were issued to the Chief Administrator, HSVP, Panchkula with the request to send the requisite consolidated monthly report to the Haryana Right to Service Commission by 11.05.2022, 31.05.2022, 30.06.2022, 10.08.2022 and 18.11.2022 respectively. After issuance of multiple reminders, an e-mail dated 18.11.2022 was received from O/o the CA, HSVP, Panchkula wherein a request to adjourn the concerned matter was submitted on the grounds that the matter was pending before the Chief Secretary to Govt. of Haryana, (Administrative Reforms) for seeking guidance on a few issues. In reference, letter no. 5192 dated 30.11.2022 was issued to the CA, HSVP, Panchkula, followed by letter no. 477 dated 31.01.2023 vide which it was again requested to send the requisite consolidated monthly report to the Commission by 13.02.2023.. In reference, memo no. 28937 dated 10.02.2023 was received from the Administrator(HQ) for CA, HSVP, Panchkula informing again that the concerned matter regarding the notified service is in active consideration and has been pending at the level of the Chief Secretary to the Govt of Haryana (Administrative Reforms). In view of the same, a request for the adjournment of the ongoing matter with the Commission was again made. In that regard, an e-mail dated 31.01.2023 was received from the Superintendent (Administrative Reforms) for the Chief Secretary to Government of Haryana wherein while responding to HSVP's request for seeking guidance regarding submitting monthly report to HRTSC, it was conveyed that there is no specific provision regarding the provision of monthly report on the received applications pertaining to the notified services under the concerned Act or Rules. A copy of the above mentioned letter was also received in the Commission from Administrator (HQ) for CA, HSVP vide letter dated 09.03.2023. Further, an endorsement no. 7/31/2014-3AR dated 22.02.2023 was also received from the Superintendent (AR), for the CS to Govt, Haryana, regarding the guidance sought by your office with respect to the jurisdiction of the Commission where litigation is pending in the Court of Law or with the Revisional Authority of HSVP/TCP. In that regard, it was recommended by the office of the Chief Secretary to Govt of Haryana that such cases be dealt as per the Section 20 of the HRTSA, 2014.

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. Ajit Balaji Joshi, IAS, Chief Administrator, HSVP, Panchkula are directed to furnish the reply pertaining to this case by 17.04.2023 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. Ajit Balaji Joshi, IAS, Chief Administrator, HSVP, Panchkula to appear before Shri T.C. Gupta, Chief Commissioner of Haryana Right to Service Commission, either in person or through Video-Conference at 12.30 pm on 21.04.2023 for further proceedings in this inquiry, if reply is not received by 17.04.2023 for further proceedings in this inquiry

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

Haryana Right to Service Commission Estd. 2014 under HRTSA

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

Endst. No HRTSC/File no. 136/DM-357/1199 **Dated:**21**.03.2023**

A copy is forwarded to the Chief Secretary Haryana for informion.

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