



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

No. HRTSC/Comp-122/ULB/2022/ 4669


Dated: 31-10-2022

To

1. Sh. Ram Singh Khatana,
Assistant Divisional Fire Officer,
Panipat, Haryana.
E-mail: hfs.panipat@gmail.com
2. Sh. Ram Karan Sharma,
Fire Station Officer,
Panipat, Haryana.
E-mail: hfs.panipat@gmail.com
3. Sh. Ashwani Kumar,
Fire Station Officer,
Panipat, Haryana.
E-mail: hfs.panipat@gmail.com

Subject: Cases pending beyond RTS timeline- Panipat


I am directed to forward herewith a copy of the order dated 19.10.2022 passed by Sh. T. C. Gupta, Chief Commissioner, Haryana Right to Service Commission, Chandigarh in respect of above case for information and compliance.
Encl: as above


(Hitender Kumar), HCS
Secretary

Haryana Right to Service Commission
E-mail: rtsc-hry@gov.in

Endst. No. HRTSC/Comp-122/ULB/2022/ 4670 Dated: 31-10-2022

A copy of the above is forwarded to the Director- Fire Services, Haryana (e-mail: dfshry@gmail.com) for information, please


(Hitender Kumar), HCS
Secretary

Haryana Right to Service Commission
E-mail: rtsc-hry@gov.in



FINAL ORDERS

(In respect of case no. HRTSC/Comp-122/ULB/2022 against Sh. Ram Singh Khatana, ADFO, Panipat, Sh. Ashwini Kumar, Fire Service Officer, Panipat and Sh. Ram Karan Sharma, Fire Service Officer, Panipat)

1. On perusal of SARAL reports, the following 6 applications of Renewal of Fire NOC were found pending with Fire Office, Panipat as on 28.03.22 outside RTS timelines:

Sr. No.	Application Number	Application Start Date	RTS Date
1	140842223000069	01/02/2022	16/03/2022
2	140842223000078	02/02/2022	17/03/2022
3	140882223000001	27/01/2022	11/03/2022
4	140842223000066	29/01/2022	15/03/2022
5	140842223000039	14/01/2022	28/02/2022
6	140842223000045	18/01/2022	03/03/2022

Taking cognizance of the cases as the service 'Renewal of Fire NOC' is a notified service under the Haryana Right to Service Act, 2014, the Commission sent a letter dated 29.04.22 followed by a reminder dated 17.05.22 to Fire Station Officer, Panipat, directing completion of cases and seeking report regarding reason for delay and name of officers responsible for delay. A response dated 31.05.22 was received from ADFO, Panipat. For the case at sr. no. 3 above, delay of approval from Commissioner, MC Panipat was stated as the reason for delay. For the remaining 5 applications, the reply stated that all of them were rejected either owing to physical file not having been submitted by the applicant or deficiencies in Fire Fighting system even after multiple reminders. Subsequently, vide letter dated 09.06.22, the Commission sought exact dates of completion/rejection in each case, explanation on the need of physical file if the application was made online clarification as to whether the objections were conveyed through written means, as directed by Director, Fire Services, vide their orders dated 10.12.21 to all state functionaries.

2. A report dated 20.06.22 was received from ADFO, Panipat regarding the same. For case at sr. no.3, it was informed that the case was completed on 19.04.22, also enclosing the noting sheet. The noting sheet showed that Commissioner, MC, Panipat had written 'FSO to speak' on the file on 20.01.22 but post that, the case had been taken up on 30.03.22. The report, however, also informed of the frequent movement of officers in Fire Office, Panipat during the material months. The officers who had the main charge of the office had moved for training on 20.02.22. Post that FSO, Kurukshetra, Sh. Ram Karan Sharma was given additional charge there on 18.02.22, which he assumed on 21.02.22. Additionally, FSO, Faridabad, Sh. Ashwini Kumar was also given the additional charge of the Panipat office on 21.02.22, which he assumed on 23.02.22. Post that ADFO, Kurukshetra, Sh. Ram Singh Khatana was also given the additional charge of Panipat on 18.03.22, which

he assumed on 24.03.22. Considering that the delay of case at sr. no.3 would probably have happened owing to all this movement, the same was filed. For the remaining 5 cases, it was mentioned that the physical file was asked because all the required documents had not been attached with the online document. It was further stated that the communication regarding deficiencies and requirement of physical file were all made verbally. Single note sheet in each case showed that all the cases had been put up on either 26.03.22 or 30.03.22 with generic details that the site visit had been made, deficiencies were found and communicated but had not been resolved. No mention as to who made the site visit, what deficiency was exactly found etc. were not mentioned. All these note sheets were put up by Sh. Ram Karan Sharma and Sh. Ashwini Kumar and approved for rejection by Sh. Ram Singh Khatana. On Commission's asking, ADFO, Panipat confirmed vide his letter dated 26.07.22 that Sh. Ram Karan Sharma and Sh. Ashwini Kumar were the Designated Officers for the 5 cases still under consideration. Show cause notices dated 17.08.22 were consequently issued to Sh. Ram Kumar Sharma and Sh. Ashwini Kumar to explain the breach of Director, Fire Service's explicit instructions to issue objections only through written means. They were both asked to reply by 26.08.22.

3. A reply dated 18.08.22 was received from Sh. Ram Karan Sharma. It stated that all Fire NOC related work was being done by Sr. FSO, Sh. Ashwini Kumar only and none of the 5 cases under consideration had come on his table. It further stated that on being given the charge of ADFO, Panipat, Sh. Ram Singh Khatana issued directions on 26.03.22 and 30.03.22 for putting up all the pending cases pertaining to Fire NOC, responding to which the note sheets previously shared with the Commission had been put up. This explanation was found unsatisfactory. In view of that and lack of reply from Sh. Ashwini Kumar, both of them were then called for hearing before the Commission in person on 03.10.22 along with all the records of the cases under consideration. Sh. Ashwini Kumar, vide letter dated 30.09.22, informed that he was unable to attend the hearing owing to the medical repercussions of an accident he had been in. Sh. Ram Karan Sharma appeared for the hearing on 03.10.22 in person. He was told about the deficiencies in the notings he had put up to Sh. Ram Singh Khatana. He re-informed regarding the instructions that had been issued by Sh. Ram Singh Khatana. He also clarified during the hearing that for some of those 5 cases, he had conducted the site visit, while for the other, Sh. Ashwini Kumar had done so, which was contradicting his reply dated 18.08.22. He also stated that organizations have a tendency to apply for Fire NOC without fulfilling required conditions, just to have an alibi in case any inspection happens. One more discrepancy also came to the front. For case no. 140842223000039, a note sheet different from the one earlier shared was produced by Sh. Ram Kumar Sharma during the hearing. The one produced during the hearing showed that the case had been submitted to the then DMC, Panipat on 20.01.22 with a proposal to approve the renewal. However, the DMC wrote 'Speak' on the file on the same date. Post that, the case has been rejected

by the FSO on 26.03.22 stating that Fire Fighting system is not in working condition without any orders from the DMC. In all 5 cases, lapses on the part of Sh. Ram Kumar Sharma, Sh. Ashwini Kumar and Sh. Ram Singh Khatana were apparent. To give them an opportunity to be heard, Sh. Ram Singh Khatana and Sh. Ashwini Kumar were called for a hearing through VC on 07.10.22.

4. Both of them appeared for the hearing on 07.10.22. They were first informed about the lapses identified- no written evidence of communication of deficiencies to the applicants and lack of specific details pertaining to cases on the note sheets shared. Sh. Ram Singh Khatana stated that on assuming the charge of Panipat, he wanted to ensure that no application stayed pending beyond RTS timelines, for which he had directed the concerned officers to submit all the pending cases. He also stated that having the additional charge of Panipat along with his main charge of Kurukshetra led to a lot of work burden on him. He further stated that the Sh. Ram Kumar Sharma and Sh. Ashwini Kumar should have submitted the cases to him with all the details. He was told that as an officer senior to those two, it was his responsibility to ensure the mending of any deficiencies of his subordinates. Sh. Ashwini Kumar simply stated that Sh. Ram Karan Sharma should have submitted proper notings to him, which was found quite unsatisfactory an explanation.
5. The Commission has considered all the facts and submissions of the case. This system of verbal communications being used in Fire Office, Panipat is discrepant and suspicious. It is quite possible that malpractices are being undertaken under the guise of communication of objections verbally. Since, Director, Fire Services had explicitly prohibited verbal communication of objections, it is also a breach of Departmental instructions. In view of the same and lack of any plausible explanation by all the three officers involved, exercising powers conferred under section 17(1)(h) of the Haryana Right to Service Act, 2014, the Commission imposes a penalty of Rs. 1,000 in each of the 5 cases under consideration (leaving case at sr. no.3 above, which was filed earlier) on each officer involved- Sh. Ram Singh Khatana, Sh. Ashwini Kumar and Sh. Ram Karan Sharma. They 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 this is not done, Director, Fire Services is directed to deduct the amount of penalty from their salary of November month to be paid in December and deposit the same in the State Treasury. Information about the same be sent to the Commission in due course. The adding of send back feature in the online application itself has already been taken up by the Commission with Director, Fire Services.

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(Trilok Chand Gupta)
CC, HRTSC

19th October, 2022