



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-135/ULB/2022/5007

Dated: 17-11-2022

To

Sh. Dinesh Kumar,
 Zonal Taxation Officer,
 Municipal Corporation,
 Faridabad, Haryana.
 E-mail: cmc.mcfbd@gmail.com

Smt. Shashi Arya,
 Zonal Taxation Officer,
 Municipal Corporation,
 Faridabad, Haryana.
 E-mail: cmc.mcfbd@gmail.com

Subject: Cases pending beyond RTS timeline- Final Orders.

I am directed to forward herewith a copy of the order dated 16.11.2022 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

(Sube Khan)

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

Endst. No. HRTSC/Comp-135/ULB/2022/5008 dated : 17-11-2022

A copy of the above is forwarded to the Commissioner, Municipal Corporation, Faridabad E-mail: cmc.mcfbd@gmail.com for information and necessary compliance, please.

(Sube Khan)

Under Secretary-cum-Registrar,
 Haryana Right to Service Commission
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FINAL ORDERS

(In respect of case no. HRTSC/Comp-135/ULB/2022- Inquiries against Sh. Dinesh, ZTO, Zone-NIT-III, MCF and Smt. Shashi Arya, the then ZTO, Zone-NIT-III, MCF)

1. On perusal of Antoyodaya SARAL reports, inter alia, the following 6 applications of Trade License were found pending beyond RTS timelines as on 12.05.22 with Municipal Corporation, Faridabad under Zone-NIT III:

Service Name	District Name	Application Number	Application Start Date	RTS Date	File With User
Issue Certificate of Trade Licence	FARIDABAD	030152224000950	20/04/2022	11/05/2022	Verifier
Renewal Certificate of Trade Licence	FARIDABAD	030152224000728	07/04/2022	25/04/2022	Verifier
Renewal Certificate of Trade Licence	FARIDABAD	031492224000101	10/04/2022	27/04/2022	Verifier
Renewal Certificate of Trade Licence	FARIDABAD	030152224000798	13/04/2022	29/04/2022	Verifier
Renewal Certificate of Trade Licence	FARIDABAD	030152224000931	19/04/2022	05/05/2022	Verifier
Renewal Certificate of Trade Licence	FARIDABAD	030152224000936	19/04/2022	05/05/2022	Verifier

Taking cognizance of the same as it is a notified service under the Haryana Right to Service Act, 2014, a letter dated 19.05.22 was sent to Commissioner, MCF to ensure completion of the cases and share a report with the Commission citing reasons for delay and officers responsible for delay. A report dated 15.06.22 was received from MCF but the same was found to be having a lot of discrepancies, consequent to which a revised report for delayed cases of Trade License was sought vide Commission's letter dated 11.07.22. A subsequent report dated 28.07.22 from MCF informed Sh. Dinesh to be the ZTO-cum-Designated Officer for the above cases. It also had a report from Sh. Dinesh, which stated that all the 6 cases were delayed owing to the ID of the then ZTO not having been created for the portal. The report did not provide the completion dates of these cases. The Commission, vide letter dated 31.07.22 sought the completion dates in all the 6 cases, date when the ID for the portal was requested for, when the IDs were created, names of the ZTOs for NIT-Zone III during the material period and the name of the officer responsible for creating the IDs. A reply dated 21.09.22 received in reference informed that Smt. Shashi Arya was the ZTO of the concerned zone from 06.04.22 till 12.05.22 and Sh. Dinesh joined on 13.05.22. It further stated that Sh. Dinesh only requested for the ID to be created on 25.05.22,

which was created on the same day and subsequently rejected all the 6 applications under question on 27.05.22 because of incomplete documents. On tracking all these applications over Antyodaya SARAL portal, all these applications were found rejected with a generic reason that the information provided is incomplete, without specifying what information was not provided by the applicants. In view of these discrepancies, Smt. Shashi Arya and Sh. Dinesh were called for a hearing before the Commission on 31.10.22 (later shifted to 11.11.22 on their request).

2. On 11.11.22, only Sh. Dinesh appeared for the hearing. While the same started as a VC but when he started facing some technical issues, he was heard telephonically. On being asked about the 6 applications, he informed that 2 of them pertained to an unauthorized area and 4 were not under his area, because of which they were rejected. On being asked why the reason for rejection was not clearly mentioned, he stated that on his joining, the applications had already crossed the RTS deadline and that is why he wanted to complete the same as soon as possible. In this hurry, the comments ended up a little unclear. On being asked why Smt. Shashi Arya did not join, he informed that she was on leave.

3. The Commission has considered all the facts and submissions of the case. The dealing of Sh. Dinesh was not ideal and he should have been clearer in his communications while rejecting the applications. However, considering that the applications had crossed the RTS deadline before his joining itself, this relatively minor lapse is condoned and case against him is filed with an advisory to ensure clear communications in future. Smt. Shashi Arya seemingly did not even bother to obtain her login ID for the portal and all the 6 cases under question breached the RTS timeline during her tenure as the ZTO-NIT-III, MCF. The hearing was a chance for her to explain her side of the case. However, she did not appear for the same and did not even bother to communicate her unavailability to the Commission. Thus, in view of the delays caused in the 6 cases because of her inaction, the Commission, exercising powers conferred under Section 17(1)(h), imposes a fine of Rs. 3,000 in each case of delay on her i.e. a total of Rs. 18,000/-. She is directed to deposit the penalty out of her salary 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 her within the stipulated time, Commissioner, Municipal Corporation-Faridabad is directed to deduct the amount of penalty from her salary of December, 2022 month to be paid in January, 2023 provided it does not exceed 1/3rd of her gross salary. Remaining amount, if any be deducted in next month and be deposited in the State Treasury. Information about the same be sent to the Commission in due course.

16th November, 2022

-Sd-
(T.C. Gupta)
CC, HRTSC