



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: HRSC-010004/38/2022/868

Dated: 24.02.2023

FINAL ORDER

- To
1. Sh. Dharambir Singh, IAS
Administrator (HQ) and Administrator, HSVP, Panchkula
Haryana. (O/L) 0172-2560024
E-mail: admnhqhsvp@gmail.com & admnhqhsvp@gmail.com
 2. The Estate Officer-cum-
Designated Officer, HSVP,
Kaithal
E-mail: eokaithalhsvp2020@gmail.com
 3. Sh. Mayank Bhardwaj, HCS
the then Estate Officer-cum-
Designated Officer, HSVP,
Kaithal
E-mail: eokaithalhsvp2020@gmail.com
 4. Sh. Subhash Chander, HCS,
the then Estate Officer,
HSVP, Kaithal.
E-mail: sdmsampla@gmail.com & eokaithalhsvp2020@gmail.com
 5. Sh. Surender Kumar,
the then Junior Engineer, HSVP, Kaithal.
E-mail: sk509679@gmail.com & eokaithalhsvp2020@gmail.com

Subject:- AAS22/230291-Mukesh Gupta & AAS22/231544-Mahipal Service-Revalidate Building Plan [RTS - 5 Day]HSVP-Kaithal

Siv, I am directed to forward herewith a copy of the Final order dated 23.02.2023 passed by Sh. T.C. Gupta, Chief Commissioner, Haryana Right to Service Commission, Chandigarh in respect of above case for information and compliance.



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

Endst. No. 869

Dated: 24.02.2023

A copy is forwarded to the followings:-

1. The Chief Secretary to Government of Haryana, (Services-I Br.) Haryana Civil Secretariat, Chandigarh.
2. The Chief Administrator, HSVP, Panchkula for information and necessary action please. (E-mail: hsvp_rts@gmail.com).
3. The Executive Engineer, Division-2, HSVP, Panchkula, Email:- Xenhuda2@gmail.com
4. Sh. Mukesh Gupta, (M) 9416912736
5. Sh. Mahipal (appellant) (M) 9729431980 Email:- mahikundumahi@gmail.com

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



HARYANA RIGHT TO SERVICE COMMISSION
 S.C.O. No. 38 & 39 (2nd FLOOR), SECTOR 17-A, CHANDIGARH-160017
 Website: www.haryana-rtsc.gov.in Telephone: 0172-2711050

FINAL ORDERS

(In respect of AAS Appeal no. AAS22/230291 of Mukesh & AAS Appeal no. AAS22/231544 of Mahipal for Revalidate Building Plan, HSVP)

1. The Commission had received two appeals pertaining to the notified service of HSVP, Revalidate Building Plan over the Auto Appeal System (AAS) with the following details:

Sr. No.	Service Name	Appeal Ref. Id. (Submit Date)	Applicant Name & Reference ID	RTS Due Date	DO	FGR A	SGRA
1	Revalidate Building Plan	AAAS22/230291 09.12.2022	Mukesh Gupta ZO004/E0007/ UE015/2022/R BPL1/000011	05/09/2022	Estate Officer, HSVP, Kaithal	Administrator, HSVP, Panchkula	Administrator, HSVP, HQ, Haryana
2	Revalidate Building Plan	AAAS22/231544 09.12.2022	Mahipal ZO004/E0007/ UE015/2022/R BPL1/000012	06/09/2022	Estate Officer, HSVP, Kaithal	Administrator, HSVP, Panchkula	Administrator, HSVP, HQ, Haryana

Upon examination of the appeal details, the Commission had observed that the applications dated 29.08.2022 and 30.08.2022 for the concerned service had to be delivered by the RTS due date, i.e 05.09.2022 and 06.09.2022 respectively. However, the same were pending over the Saral portal on the date of the receipt of the appeal, much beyond their RTS due dates. The Commission also noted that the First Appeals in the two cases under the Section 6 of the Haryana Right to Service Act, 2014 were escalated to the Administrator, HSVP, Panchkula-cum-First Grievance Redressal Authority over the Auto Appeal System on 06.09.2022 & 07.09.2022 respectively but no action had been taken towards their resolution by the FGRA. Likewise, the Commission also noted that due to the inaction of the FGRA, the Second Appeals under the Section 7 of the HRTSA, 2014 were automatically escalated to the Administrator, HSVP, HQ, Haryana-cum-Second Grievance Redressal Authority on 21.10.2022 and 22.10.2022 respectively. However, no action had been taken upon the same within 30 working days by the SGRA as well.

Therefore, a notice dated 19.12.2022 under Section 17(1)(h) of the HRTSA, 2014 was issued to the Estate Officer, HSVP, Kaithal to explain why a penalty of Rs. 20,000 may not be imposed on him and a compensation of Rs. 5,000 each may not be awarded to the appellants for the delay in delivery of a notified service to them. Notices dated 19.12.2022 under the Section 17(1)(d) of the HRTSA, 2014 were also issued to the Administrator, HSVP, Panchkula & Administrator, HSVP, HQ, Haryana to explain why disciplinary action may not be recommended against them for not acting upon the AAS appeals while those laid in their login IDs for 30 working days each, thereby breaching their duties as FGRA & SGRA respectively under the HRTSA, 2014.

2. Following this, a response dated 27.12.2022 was received from the Estate Officer, Kaithal wherein it was stated that the applications dated 29.08.2022 of Mukesh & dated 30.08.2022 of Mahipal were sent on 31.08.2022 by the Sub-divisional Clerk to JE, which were then sent on 16.09.2022 by the JE to SDE. Post this, it had been stated that owing

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of the erstwhile Estate Officer and vacancy at the level of SDE & JE, there has been a delay in the concerned matters. The Commission noted that as per the response, the SDE's ID was being operated in the name of the Estate Officer and the present Estate Officer, HSVP, Kaithal had joined the office on 27.10.2022. It had been further stated in the response that a request for posting of JE was submitted on 27.10.2022 to the HQ post which the JE was posted in the Estate Office, Kaithal on 24.11.2022. Further, a letter for generating the PPM ID of SDE Survey was written on 02.12.2022 to the HQ which was generated on 06.12.2022, following which the directions were issued by the Estate Officer for the JE to operate the ID of SDE Survey on the same day. Finally, both the applications were addressed on 09.12.2022 by the ID of the SDE Survey and further approved by the Estate Officer, HSVP, Kaithal on 19.12.2022. The Commission observed that the notified timeline of the concerned service was of 5 days and there had been a delay at the level of JE initially while dealing with the applications between 31.8.2022 to 16.09.2022. Further, the Commission also noted that there had been an unnecessary delay in getting the IDs of the SDE operational or handing over the charge of the SDE to the JE by the Estate Officer, in reference to using the concerned logins. In view of the same, the reply of the Estate Officer, HSVP, Kaithal was deemed unsatisfactory. Regarding the inaction upon the 1st & 2nd appeals escalated to the Administrator, HSVP, Panchkula cum Administrator, HQ, HSVP, vide response dated 28.12.2022, it had been stated by him that the matter had been resolved on 19.12.2022 as already conveyed by the Estate Officer, HSVP, Kaithal in his above-mentioned response. It had also been requested to file the notice issued to him as there has been no wilful disobedience/omission regarding his inaction upon the AAS Appeals escalated to him during that period. However, no clarification regarding his inaction was provided by him in the present response. Thus, finding both the responses unsatisfactory, the Commission, while exercising the powers conferred upon it by the Section 17(3)(a) of the HRTSA, 2014, directed both the Respondents in the matter vide letter dated 19.01.2023 to attend a hearing through Video Conferencing on 23.01.2023 at 11 a.m, so as to submit their clarifications regarding their respective acts of omissions.

3. Accordingly, the hearing dated 23.01.2023 was attended by Sh. Sanjay Kumar, HCS, SDM, Kaithal-cum-link officer to the Estate Officer, HSVP, Kaithal, Sh. Mayank Bhardwaj, HCS, the then Estate Officer, HSVP, Kaithal and Sh. Dharamvir Singh, IAS, Administrator, HSVP, Panchkula-cum-Administrator HQ, HSVP, Haryana through video conferencing. During the hearing, it was stated by the Estate Officer, HSVP, Kaithal that the delay in the matter was initially on the part of the erstwhile Junior Engineer, Sh. Surender Kumar who was posted in the Estate Office, Kaithal between 28.06.2022 and 17.10.2022 as he had forwarded the file beyond the RTS due date. Regarding the delay during the period of Sh. Mayank Bhardwaj as the Estate Officer, HSVP, Kaithal from 13.10.2022 onwards, it was reiterated by him that requests were sent to the HQ regarding the posting of JE in the month of October, 2022 post his joining. However, there had been a delay in getting the concerned login ID operational, the requests for which were sent to the HQ only in December 2022 after the JE's joining at the Estate Office, Kaithal. Regarding the inaction upon the AAS appeals escalated to the Administrator, HSVP, Panchkula-cum-Administrator HQ, HSVP, Haryana, it was stated by him that the omission on his part was

due to his lack of awareness regarding the operationalization of the Auto Appeal System in the initial months of his joining at the Administrator Office. It was also stated that post the Commission notices issued to him, timely resolution and monitoring of the appeals escalated to him has been started. Therefore, finding the delays at the level of the erstwhile Junior Engineer & supervisory lapse on the part of the erstwhile Estate Officer, HSVP, Kaithal, the Commission, while exercising the powers vested in it under the Section 17(2) of the HRTSA, 2014, issued show cause notices vide letter dated 27.01.2023 to Sh. Subhash Chander, HCS, erstwhile Estate Officer, Kaithal and Sh. Surender Kumar, erstwhile Junior Engineer, Estate Office, HSVP, Kaithal so as to submit their clarifications in the matter by 13.02.2023 and further to attend a hearing dated 15.02.2023 at 10:30 am through Video Conferencing before the Commission.

4. A response in the matter was received from Sh. Subhash Chander, SDO (C), Sampla-cum-the then Estate Officer, HSVP, Kaithal vide letter dated 10.02.2023 wherein it was stated that the concerned applications were received in his login on 16.09.2022, during a period when he was out of station for an official training until 17.09.2022. Post this, he was relieved of the charge of Estate Officer, HSVP, Kaithal on 19.09.2022. The letter sent to the HQ for additional JE's allocation was also submitted with his response. Another letter dated 09.02.2023 was received from Sh. Surender Kumar, the then Junior Engineer wherein it was stated that both the applications were received in his account on 01.09.2022 & the same were processed by him on 16.09.2022, as per FIFO basis with respect to 59 files pending with him during that period. In his reply, he cited reasons for delay such as the additional charge & his availability at the Estate Office, Kaithal for only 2 days a week, along with technical issues with OABP portal. Further details of his additional duties at the Estate Office, Kurukshetra had also been cited in the response as a cause of delay.
5. A hearing was scheduled and held on 15.02.2023 which was attended by Sh. Subhash Chander, HCS, erstwhile Estate Officer, HSVP, Kaithal and Sh. Surender Kumar, erstwhile Junior Engineer, Estate Office, HSVP, Kaithal through Video Conferencing. During the hearing, the details regarding the training period and change of posting were reiterated by the erstwhile Estate Officer, HSVP, Kaithal. Regarding the delayed disposal of the files on the part of the then Junior Engineer, it was stated by Shri Surender Kumar that the concerned file was disposed off on the basis of FIFO and due to the additional workload, he could not address the same within the RTS due dates.
6. After careful consideration of all the facts and submissions of the case, the Commission observes negligence on the part of the Estate Officers, HSVP, Kaithal in monitoring the disposal of applications pertaining to notified services. It is clear from the facts of the case that the delays in the matter majorly pertained to the initial dealing of the applications in the month of September 2022 and then in the shifting of login IDs after the transfer of the concerned JE in the subsequent months. Being at the helm of affairs at the Estate Office, Kaithal, it was their responsibility to put their house in order and monitor the disposal of such applications as well as the performance of their support staff regularly. The Commission thus expresses its displeasure at their style of working and advises them to be mindful of the RTS timelines in the future while dealing with cases of notified services. While a lenient view is being taken in the present matter, the Commission will be



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penal action against them if more such cases of supervisory lapse or delays pertaining to the delivery of notified services are observed at their level. At the same time, considering the initial delay of over 10 days beyond the RTS due dates in the delivery of a notified service for which notified time is only 5 days, the Commission finds the erstwhile Junior Engineer, Sh. Surender Kumar responsible for the delayed disposal of both the applications. While the Commission acknowledges the increased workload on the part of the erstwhile Junior Engineer due to his additional charges, it was his responsibility to ensure the disposal of applications pertaining to notified services in due time which he could have easily done by devoting time as the total applications were admittedly only 59. The reasons for non-disposal are merely alibis. Thus, while exercising the powers vested in it under Section 17(1)(h) of the HRTSA, 2014, the Commission directs Sh. Surender Kumar, erstwhile Junior Engineer, Estate Office, Kaithal to pay a token compensation of Rs. 2,000/- (two thousand only) each to both the appellants. The Executive Engineer, Division No. 2, HSVP, Panchkula under whom he is working at present is directed to deduct both these amounts from his salary of February 2023, to be paid in March and remit it to EO, HSVP, Kaithal who will pay the same directly to the appellants' bank accounts under intimation to the Commission along with photocopies of the Challan/Bank Transaction ID at rtsc-hry@gov.in. Mr. Mukesh Gupta & Mr. Mahipal should provide their respective bank account details to Estate Officer, HSVP, Kaithal in the following format through mail (Estate Officer, HSVP, Kaithal may also direct concerned functionaries of his office to coordinate with the appellants for the same):

- Name of the Bank:
- Name of the account holder in the Bank:
- Bank Account number:
- Address of the Bank:
- IFSC Code:

7. Regarding the inaction upon the First & Second Appeals escalated in the matter to the FGRA-cum-SGRA in the present case, there was clear cut negligence, admittedly due to ignorance which is really unfortunate on the part of a senior IAS Officer. Hence, the Commission conveys its displeasure to Sh. Dharamvir Singh, IAS, Administrator HSVP, Panchkula-cum-Administrator HQ, HSVP Haryana for his act of omission and advises him to be mindful of the duties cast upon him as a grievance redressal authority under the HRTSA, 2014. He is advised to ensure timely resolution and monitoring of all the appeals pertaining to the notified services escalated to him over the Auto Appeal System or through other channels in future.

With these orders, these AAS Appeals are hereby disposed off.

February 23th, 2023

