



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-010004/13/2023 / 938

Dated: 01.03.2023

To

1. The Administrator (HQ) -cum-
Second Grievance Redressal Authority,
HSVP, Panchkula, Haryana.
E-mail: admnhqhsvp@gmail.com
(O/L) 0172-2560024
2. The Zonal Administrator-cum-
First Grievance Redressal Authority,
HSVP, Rohtak, Haryana.
E-mail: admrtkhuda@gmail.com
(M)01262-292786
3. The Estate Officer-cum-
Designated Officer, HSVP,
Panipat,
E-mail: eopnphuda2@gmail.com

Subject:- AAS22/272013-Name-NIKHIL SACHDEVA Service- Independent Floor Re-Allotment letter [RTS - 4 Day] HSVP, Panipat

I am directed to forward herewith a copy of the Final order dated 28.02.2023 passed by Sh. T.C. Gupta, Chief Commissioner, Haryana Right to Service Commission, Chandigarh in respect of above case for information and compliance.



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

Endst. No. 939

Dated: 01.03.2023

A copy is forwarded to the followings:-

1. Chief Administrator, HSVP, Panchkula for information please. (E-mail: hsvp.rts@gmail.com).
2. The Chief Information Technology Officer,(CITO), HSVP, Panchkula, Email: citohsvp01@gmail.com (M) 89012-06111

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



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Website: www.haryana-rtsc.gov.in Telephone: 0172-2711050

FINAL ORDERS

(In respect of AAS Appeal no. AAS22/272013 of Nikhil Sachdeva for Independent Floor Re-Allotment Letter, HSVP)

1. The Commission had received an appeal pertaining to the notified service of HSVP, Independent Floor Re-Allotment Letter 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	FGRA	SGRA
1	Independent Floor-Re Allotment Letter	AAAS22/272013 10.01.2023	Nikhil Sachdeva ZO005/EO017/ UE027/2022/IF RAL/000008	07/10/2022	Estate Officer, HSVP, Panipat	Administrator, HSVP, Rohtak	Administrator, HSVP, HQ, Haryana

Upon examination of the appeal details, the Commission had observed that the application dated 01.10.2022 for the concerned service had to be delivered by its RTS due date, i.e. 07.10.2022. However, the same was pending over the Saral portal on the date of the receipt of the appeal, much beyond its RTS due date. The Commission also noted that the First Appeal in the matter under the Section 6 of the Haryana Right to Service Act, 2014 was escalated to the Administrator, HSVP, Rohtak-cum-First Grievance Redressal Authority over the Auto Appeal System on 10.10.2022 but no action had been taken towards its resolution by the FGRA. Likewise, the Commission also noted that due to the inaction of the FGRA, the Second Appeal under the Section 7 of the HRTSA, 2014 was automatically escalated to the Administrator, HSVP, HQ, Haryana-cum-Second Grievance Redressal Authority on 26.11.2022. However, no action had been taken upon the same within 30 working days by the SGRA as well. Therefore, a notice dated 23.01.2023 under Section 17(1)(b) of the HRTSA, 2014 was issued to the Estate Officer, HSVP, Panipat to explain why a penalty of Rs. 20,000 may not be imposed on him and a compensation of Rs. 5,000 may not be awarded to the appellant for the delay in delivery of a notified service to him. Notices dated 23.01.2023 under the Section 17(1)(d) of the HRTSA, 2014 were also issued to the Administrator, HSVP, Rohtak & 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 30.01.2023 was received from the Estate Officer, Panipat wherein it was stated that the appellant's application dated 01.10.2022 remained pending at multiple levels with Accounts Assistant Sh. Dinesh for 35 days, Assistant Sh. Pawan for 46 days, and with the Estate Officer for 40 days. It was stated that as per the Accountant's submissions, there was no procedure for processing the re-allotment of Independent Floor

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wise in FIFO as the app was introduced newly. After contacting the IT Cell telephonically, the same was resolved after introduction of the relevant procedure of entering the 1% Collector Rate by the Accounts Assistant ID. Regarding the Estate Officer's role, it was stated that he had joined his charge at the Estate Office, Panipat on 11.01.2023 and the user ID was created on 23.01.2023 but the technical issues were completely resolved only by 30.01.2023. The Commission noted that the RTS due date for the concerned application was 07.10.2022 and *prima facie*, no concrete action had been taken by the Estate Office regarding the technical issue's resolution until the present Estate Officer joined office in January. Regarding the inaction upon the appeal escalated to the FGRA, a letter dated 01.02.2023 was received from the FGRA-cum-Administrator, HSVP, Rohtak wherein the above mentioned details in the Estate Officer's response regarding the application were reiterated by him. Similarly, the details regarding the application disposal on 30.01.2023 were reiterated by the SGRA-cum-Administrator, HSVP, HQ in his response dated 31.01.2023. Regarding the appeal escalated to him, it had only been stated that the Respondent had the additional charge of the SGRA as a Link Officer and that his act of omission was not on account of any wilful disobedience on his part. Taking cognizance of the technical issue highlighted by the Estate Office, Panipat, the Commission thereby

1. issued a notice to the Chief IT Officer, HQ, HSVP vide letter dated 13.02.2023 to explain as to why there was no provision in the concerned software to deal with the notified service and why there was a delay even after a reference was made in the matter from the Estate Office. Explanation regarding their respective delays was sought vide show cause notices dated 13.02.2023 from the erstwhile & present Estate Officer, Panipat, Accounts Assistant Sh. Dinesh & Assistant Sh. Pawan so as to fix responsibility for the delay in the matter and towards the imposition of penalty. Exercising the powers vested in it under the Section 17(3)(a) of the HRTSA, 2014, the Commission further directed the above-mentioned Respondents to be present for a combined hearing in the matter through Video Conferencing before the Commission on 24.02.2023 at 10 am.

3. Accordingly, responses in the matter were received from the above-mentioned Respondents as follows:

- i. A response was received from the CITO, HSVP, HQ vide letter dated 15.02.2023 wherein it was stated that 206 applications for the service "Independent Floor Re-Allotment Letter" had been applied and successfully processed within the month of October 2022 in multiple Urban Estates. Hence, there was no procedural/technical glitch with the application and that there is also a provision within the PPM system specifying the planned issue date of the services, as notified under RTS. It was stated that the Estate Officer, Panipat had requested the HQ to create the portal IDs of Sh. Pulkit Malhotra, HCS, the present Estate Officer, HSVP, Panipat on 23.01.2023 & the same were created by the IT Cell, HQ on 24.01.2023. Thus, it was claimed that there has not been any delay/technical issue on the part of IT Cell, HSVP.
- ii. In response to the show cause notice issued to Sh. Navdeep, HCS, erstwhile EO, HSVP, Panipat, a letter dated 21.02.2023 was received from him wherein it was stated that he had the additional charge of EO, HSVP, Panipat between 22.08.2022 and 09.10.2022

- and the submission regarding the delays at the level of Assistants Sh. Dinesh & Sh. Pawan was reiterated by him.
- iii. A letter dated 22.02.2023 was received from Sh. Pulkit Malhotra, HCS, Estate Officer, HSVP, Panipat wherein it was stated that he had joined the Estate Office, Panipat on 11.01.2023 & after the generation of user ID & Passwords on 23.01.2023, the same were further rectified by HQ on 25.01.2023 & his DSC was prepared on 28.01.2023. Thereafter, the file was approved by him on 30.01.2023.
 - iv. A letter dated 22.02.2023 was received from Sh. Dinesh, Accounts Assistant, Estate Office HSVP, Panipat wherein it had been stated that he has the additional charge at Estate Office, Panipat besides the XEN Office, Panipat. It has been clarified by him that due to the application being new to him, he could not process the same. Upon getting clarification from the HQ on 4.11.22 regarding the clause of 1% stamp duty, the same was processed by him to the next level.
 - v. Further, a letter dated 22.02.2023 was received from Sh. Pawan, Assistant, Estate Office HSVP, Panipat wherein regarding the delay of 46 days on his part, it was stated by him that the same was due to technical problems prevalent in the PPM system. The Commission noted that no further clarification had been given and the same had been refuted by the CITO, HSVP in his response dated 15.02.2023.
4. The hearing dated 24.02.2023 at 10 AM was attended by Sh. Yogesh Rana, Chief IT Officer, HSVP, HQ, Sh. Pulkit Malhotra, HCS, Estate Officer, HSVP, Panipat, Sh. Navdeep Singh, HCS, erstwhile Estate Officer, HSVP, Panipat, Sh. Dinesh, Accounts Assistant, Estate Office, HSVP, Panipat and Sh. Pawan, Assistant, Estate Office, HSVP, Panipat through Video Conferencing. The earlier submissions regarding the technical issues with respect to the FIFO feature were reiterated by the officials of the Estate Office, HSVP, Panipat. It was clarified by the Accounts Assistant Sh. Dinesh that due to his unresolved doubt regarding the entry of receipt of the 1% stamp duty, he could not process the file on time. It was only after taking telephonic clarifications from the HQ that he was able to enter the same and thereafter, he processed the file on 04.11.2022. It was submitted by the Assistant, Sh. Pawan that the FIFO feature was new to him and he could not get the same clarified from other officials earlier. Upon being questioned regarding his joining date, it was stated by him that he joined the Estate Office, HSVP, Panipat in the month of July 2022 but could not process the concerned application until 20.12.2022 which was forwarded to him from the ID of the Accounts Assistant on 04.11.2022. It was further stated by the erstwhile Estate Officer, Sh. Navdeep Singh, HCS that he was regularly monitoring the disposal of applications escalated to him until his transfer from the Estate Office, Panipat dated 09.10.2022, and had directed all his subordinates to dispose of the applications on time from their level as well. However, since the appellant's application hadn't been escalated to the ID of the Estate Officer yet and was pending at the first stage itself, he could not review the same owing to his transfer within a few days of the submission of the application. The Commission observed delay on the part of the present Estate Officer, Panipat, Sh. Pulkit Malhotra, HCS despite his joining dated 11.01.2023. In response, he submitted that there was a delay in getting the correct login IDs of the EO from the HQ which was received only after the email dated 23.01.2023. It was clarified by him that he had intimated the HQ

telephonically regarding those errors after his joining. Regarding the technical issues with the PPM as alleged by the Estate Office's officials, it was again clarified by the CITO, HSVP, Sh. Yogesh Rana that no such issues persisted with the portal & the application should have been processed in time. He also apprised the Commission regarding the steps taken by the IT Cell, HSVP towards the automatic escalation of the applications regarding Re-Allotment Letter.

5. After careful consideration of all the facts and submissions of the case, the Commission observes supervisory lapse on the part of the Estate Officers, HSVP, Panipat in monitoring the disposal of the application pertaining to a notified service. It is clear from the facts of the case that the delays in matter majorly pertained to the initial dealing of the application by the concerned Assistants between October to December 2022 and then at the level of the Estate Officer after 22.12.2022 in the subsequent months. Being at the helm of affairs at the Estate Office, Panipat, it was their responsibility to monitor the disposal of such applications as well as expedite the resolution of any technical errors or doubts of their subordinates which became a cause of further delay. The Commission thus advises them to be mindful of the RTS timelines in the future while dealing with cases of notified services. While the Commission is taking a lenient view with respect to the submissions of Sh. Dinesh, Accounts Assistant in view of the explanation submitted by him in the preceding paragraphs, the Commission does not find the submissions of the Assistant, Sh. Pawan, satisfactory. While the Accounts Assistant Sh. Dinesh, despite holding additional charge, tried to resolve the doubt proactively towards the processing of the appellant's application, the Assistant, Sh. Pawan simply kept the file pending with him for over a month in the garb of the FIFO based process being new for the concerned service. The Commission is of the view that since he had joined the Estate Office in July 2022, he should have been able to clear his doubts by way of getting the requisite training and clarifications from his superiors in the following months so that the application received in the month of October 2022 could be addressed in time. Thus, finding him responsible for the delay of over a month in the delivery of a notified service and while exercising the powers vested in it under Section 17(1)(h) of the HRTSA, 2014, the Commission imposes a token penalty of Rs 10,000/- (ten thousand only) upon Sh. Pawan, Assistant, Estate Office, Panipat and further directs him to pay a token compensation of Rs. 2,000/- (two thousand only) to the appellant. The Estate Officer, HSVP, Panipat should deduct both these amounts from his salary of March 2023, to be paid in April. The penalty amount should be deposited in the State Treasury under the Receipts head 0070-60-800-86-51 and the compensation should be transferred directly to the appellant's bank accounts under intimation to the Commission along with photocopies of the Challan/Bank Transaction ID at rtsc-hry@gov.in. Mr. Nikhil Sachdeva should provide his bank account details to Estate Officer, HSVP, Panipat in the following format through mail (Estate Officer, HSVP, Panipat may also direct concerned functionaries of his office to coordinate with the appellant for the same):

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

Regarding the inaction upon the First & Second Appeals escalated to the FGRA-cum-Administrator, HSVP, Rohtak and SGRA-cum-Administrator HQ, HSVP in the present case, there was clear cut negligence, admittedly due to ignorance which is really unfortunate on the part of senior IAS Officers. While the Commission is taking a lenient view in the present case owing to the explanations received in the matter, the Commission would be constrained to undertake proceedings towards recommending disciplinary action against the concerned officers, if more such instances of omission are observed in the future. Hence, the Commission advises both the FGRA & SGRA in the present matter to be mindful of the duties cast upon them as a grievance redressal authority under the HRTSA, 2014. They are advised to ensure timely resolution and monitoring of all the appeals pertaining to the notified services escalated to them over the Auto Appeal System or through other channels in future.

With these orders, the AAS Appeal is hereby disposed off.

February 28th, 2023



-Sd-
(T. C. Gupta)
Chief Commissioner