

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

No. HRTSC/File no. 177/SM-365/1868
Post & E-mail

Dated: 04.05.2023

Suo-moto Notice

To

Sh. Ashwani Kumar,
Clerk, Municipal Committee, Barara, Ambala

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;

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. On perusal of SARAL reports on 14.10.2022, 781 applications of notified services



were found pending beyond RTS timelines with Urban Local Bodies of District-Ambala. As for all applications pertaining to the Corporation, the Commissioner of the Corporation is the SGRA, a notice dated 31.10.22 was issued to Commissioner Municipal Corporation-cum- District Municipal Commissioner, Ambala, Haryana to take cognizance of each application and send explanation for delay and names of officers responsible for delay in each case to the Commission by 30.11.2022. In reference, replies were received vide memo no. 3344 dated 29.11.2022, memo no.6652 dated 30.12.2022 from the Commissioner MC, Ambala which were not found to be satisfactory and thereafter, a hearing dated 03.01.2023 was conducted and direction to send a revised reply was issued. In reference, memo no.6748 dated 10.01.2023 was received from the Commissioner MC, Ambala vide which revised reply was received. On perusal of the same it was found that for cases (enclosed as Annexure-1) of Municipal Committee Barara, pertaining to Change of Owner/Occupier in Property Tax Register (Except in death case), you were responsible for delay. Thus, a suo-moto notice is hereby issued to you, Sh. Ashwani Kumar, Clerk, Municipal Committee, Barara, Ambala so as decide as to why a penalty of ₹20,000 may not be imposed upon you and a compensation of ₹5,000 may not be paid to the applicant in each case for your act of omission.

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. Ashwani Kumar, Clerk, Municipal Committee, Barara, Ambala are directed to furnish the reply pertaining to this case by 26.05.2023 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. Ashwani Kumar, Clerk, Municipal Committee, Barara, Ambala to appear before Shri T.C. Gupta, Chief Commissioner of Haryana Right to Service Commission, either in person or through Video-Conference at 10.00 am on 29.05.2023 for further proceedings in this inquiry.

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

Encl: As above



(Hitender Kumar, HCS)
Secretary

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