

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

No. HRTSC/File no. 176/SM-364/1828  
Post & E-mail

Dated: 03.05.2023

**Suo-moto Notice**

To

Sh. Dusmanta Kumar Behera, IAS,  
The then Director, ULB, Haryana

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;

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. Along with a response dated 13.01.23 on Commission's observations regarding Occupation Certificate cases, Municipal Corporation, Faridabad shared monthly reports pertaining to notified services- Sanction of Building Plans and Change of Land Use Permission for the months August-December, 2022. Identifying numerous delays, the Commission, vide letter dated 09.02.23 (enclosed) conveyed the observations, including those for 8 cases of Change of Land Use Permission (for which Director, ULB is the Designated Officer) and also called for hearings with

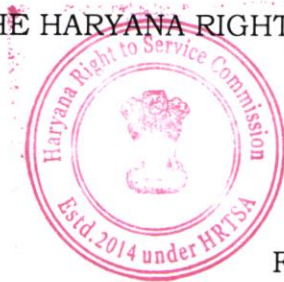




Commissioner, MCF, Deputy Commissioner, Faridabad and DTP, Faridabad. As can be seen in responses dated 14.02.23 and 17.02.23 from MC Faridabad, dated 15.02.23 from Deputy Commissioner, Faridabad; and dated 15.02.23 and 16.02.23 from DTP, Faridabad (all enclosed), all the offices involved in the delivery of CLU Permission service are taking highly excessive time, making a mockery of the notified timelines under the Haryana Right to Service Act, 2014. In a previous hearing held with CTP, DULB, a reply dated 27.09.22 (enclosed) had informed that a new portal for CLU cases had been launched on 20.04.22 and that all ULBs had been instructed to send cases to the HQ within 10 days of receipt of the application. The Directorate seems to have either outrightly neglected to enforce its own plan or has failed to take necessary action on receipt of reports. The Commission finds this situation a consequence of lack of supervision/monitoring by Director, ULB, in his capacity as the Designated Officer of the service. Thus, a suo-moto notice is hereby issued to you, Sh. Dusmanta Kumar Behera, IAS, the then Director, ULB, Haryana to explain the delay in timely delivery of the 8 CLU cases mentioned in Commission's letter dated 09.02.23, to ascertain the reasons for delay in delivery of services and further to decide as to why a penalty of Rs.20,000 may not be imposed and a compensation of Rs.5,000 may not be paid to the applicants in each of these cases for act of omission as it is the responsibility of the Designated officer to provide the notified service in time and it is his responsibility to obtain reports from his subordinates in time.

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. Dusmanta Kumar Behera, IAS, the then Director, ULB, Haryana are directed to furnish the reply pertaining to this case by 23.05.2023 through email at [rtsc-hry@gov.in](mailto:rtsc-hry@gov.in). The reply should be signed by you and not by anyone on your behalf. If no reply is received, case will be decided on the basis of available facts

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



(Hitender Kumar, HCS)  
Secretary

For Haryana Right to Service Commission  
E-mail: [rtsc-hry@gov.in](mailto:rtsc-hry@gov.in)

Endst. No HRTSC/File no. 176/SM-364/1829

Dated: 03.05.2023

A copy is forwarded to the Director, ULB, Haryana for information.

(Hitender Kumar, HCS)  
Secretary

For Haryana Right to Service Commission  
E-mail: [rtsc-hry@gov.in](mailto:rtsc-hry@gov.in)