



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

No. 1185

Dated: 28/3/24

To

1. The Chief Administrator,
Haryana State Agriculture Marketing Board,
Panchkula, Haryana
2. Sh. Hawa Singh Khabra, ZMEO-cum-SGRA,
District Ambala.
3. Sh. Abhinav Walia, DMEO-cum-FGRA,
District Kaithal.
4. Sh. Satbir Singh, Secretary, Market Committee-cum- DO
District, Cheeka

Subject: Final order in respect of Smt. Chander Kanta AAS23 873305 dated 26th Jan, 2024.

Sir

I am directed to forward herewith a copy of the order dated 27th March, 2024 passed by Sh. T.C. Gupta, Chief Commissioner, Haryana Right to Service Commission, Chandigarh in respect of above cited case for information and compliance.

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

Encl: as above.

(Sube Khan)

Under Secretary-cum-Registrar
Haryana Rights to Service Commission
Chandigarh.

Endst.No 1186

Dated: 28/3/24.

A copy of above is forwarded to Smt. Chander Kanta for information.

(Sube Khan)

Under Secretary-cum-Registrar
Haryana Rights to Service Commission



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Final Orders

(In respect of Revision No. AAS23/873305/HSAMB/Injury/Death where application submitted within 2 months of accident but no FSL report is required [RTS - 45 Day] – Cheeka)

Hearing date: 19.03.2024

Time: 10:30 am

1. A Revision dated 26.01.2024 was escalated to the Commission by the Appellant, Smt. Chander Kanta, for the service 'Injury/ Death where application submitted within 2 months of accident but no FSL report is required', as notified under the Haryana Right to Service Act, 2014 [hereinafter referred to as the 'Act']. The Appellant applied for the service on 18.08.2023 through the SARAL portal with an RTS due date as 26.10.2023. On the SARAL Portal, the application was shown as 'In Process.' The appeal was initially escalated to the First Grievances Redressal Authority (FGRA)-cum-DMEO, Kaithal, on 27.10.2023. The FGRA issued a direction to the Designated Officer (DO)-cum-Secretary Market Committee, Cheeka, to submit a report regarding the appeal on 03.11.2023 but no further action was taken on the appeal. Thereafter, the appeal was escalated to the Second Grievances Redressal Authority (SGRA)-cum-ZMEO, Ambala, on 13.12.2023 and remained pending till 25.01.2024. Due to inaction by the SGRA, the Revision was escalated to the Commission on 26.01.2024.

2. Taking cognizance of the matter, a letter dated 31.01.2024 was issued to the Secretary-cum -DO, Market Committee, Cheeka to reply by 12.02.2024. A reply was received from the Secretary vide letter no. 134 dated 12.02.2024 which mentioned that the case has been resolved on 08.02.2024 and the payment has been disbursed. However, no further details were provided.

3. As the reply received from the DO was unsatisfactory, a hearing was scheduled to be held under the chairmanship of Sh. T.C. Gupta, Chief Commissioner, Haryana Right to Service Commission, on 13.03.2024 at 10:30 am. This information was conveyed to the DO, FGRA, and SGRA via the Commission's email dated 27.02.2024. Furthermore, the SGRA and FGRA were also given a chance to submit any replies or explanations regarding inaction on the AAS Portal by 11.03.2024.

4. The hearing took place as scheduled, which was attend by: -
(i) Sh. Hawa Singh Khabra, Zonal Marketing Enforcement Officer-cum-SGRA, District-Ambala.

- (ii) Sh. Abhinav Walia, District Marketing Enforcement Officer-cum-FGRA, District-Kaithal.
- (iii) Sh. Satbir Singh, Secretary-cum-DO, Market Committee, Cheeka.

5. (i) Sh. Satbir Singh stated that the Post Mortem Report (PMR) was received on 02.08.2023, but the Viscera Report was not received by then. He mentioned that he had sent seven reminders to the concerned SHO. However, when a reference was received from the Commission on 31.01.2024, he deputed his officials to conduct an inquiry. It was found that Sh. Rajender had died because of a snake bite during agricultural operations. Therefore, after obtaining sanction from the competent authority, they disbursed the compensation of Rs. 5 Lakh on 08.02.2024.

(ii) Sh. Abhinav Walia stated that the appeal was received on 27.10.2023, and he had issued directions to the Secretary on 03.11.2023 to dispose of the grievance within a week. He also mentioned that he had telephonically directed the Designated Officer to act on the appeal. It was informed to him via letter dated 08.11.2023 that the grievance would be resolved after receiving the viscera report, as it is a necessary document according to policy.

(iii) Sh. Hawa Singh Khabra reiterated the contents of his reply dated 06.03.2024 and stated that this appeal was not reflected in his login on the AAS Portal. However, he assured that necessary action had been taken otherwise.

At this point, the FGRA and SGRA were asked to read out the provisions of Section 6 and 7 of the Act during the hearing to apprise them of their roles and responsibilities as FGRA & SGRA as per these provisions.

6. (i) The Commission has carefully considered all the facts and circumstances of this case. It is evident from the facts that Sh. Satbir Singh took the action of recording the statements of the witnesses and disbursed the compensation to the victim without receiving the viscera report on 08.02.2024. However, this action was taken only after receipt of a reference from the Commission. The same action could have been taken by him earlier as well. However, he failed to take requisite action in time.

(ii) As far as Sh. Abhinav Walia is concerned, he failed to take action under Section 6 of the Act which states as under: -

'(1) Any eligible person, whose application for obtaining service is rejected under sub-section (2) of section 5 or who is not provided the service within the notified time limit, may file an appeal to the First Grievance Redressal Authority within thirty days from the date of rejection or the expiry of the notified time limit, as the case may be: Provided that the First Grievance Redressal Authority may admit the appeal after the expiry of thirty days if it is satisfied that the

appellant was prevented by sufficient cause from filing the appeal in time. First appeal.

(2) On receipt of an appeal under sub-section (1), the First Grievance Redressal Authority shall consider the matter and it, in its opinion the grievances of the eligible person appear to be genuine, it may direct the Designated Officer to provide the service within seven working days, or such period as may be specified by it and in case of default, to appear before it in person and explain reasons thereof.

(3) After affording an opportunity of hearing to the Designated Officer and the eligible person, the First Grievance Redressal Authority may pass a reasoned order in writing either accepting the appeal or rejecting the same. Decision in appeal shall be communicated to both the parties by registered post'

(4) An appeal made under sub-section (1) shall be finally disposed of by the First Grievance Redressal Authority within a period of thirty days of its receipt.'

Section 6 (3) of the Act clearly state that he was required to afford an opportunity of hearing to the applicant which he failed to do. He just indulged in a perfunctory exercise of issuing a direction on AAS portal without carrying out his duties.

(iii) The role of Sh. Hawa Singh Khabra is also not as per the provisions of Section 7 of the Act. However, keeping in mind his statement that the appeal was not visible in his login ID, he was directed to visit the Commission the next day i.e. on 20.03.2024. He deputed his clerk to visit the Commission's office and the matter was checked in association with NIC officials, namely Ms. Anshu Sethi. The NIC was of the opinion that this appeal must have been visible to Sh. Hawa Singh Khabra, as the official and their locations have been mapped on the AAS Portal.

(iv) After careful consideration of all the above facts, the Commission orders the following: -

(a) imposes a token penalty of Rs. 5000/- upon Sh. Satbir Singh in exercise of the powers conferred upon it under Section 17 (1)(h) of the Act. He is further, directed to pay compensation of Rs. 5000/- to the application i.e. Smt. Chander Kanta. CA, HSAMB is directed to ensure the deduction of Rs. 10,000/- from his salary of April, 2024 to be paid in May, 2024 and deposit Rs. 5,000/- in the State Treasury under the Receipts Head 0070-60-800-86-51 and disburse Rs. 5,000/- to the appellant. In case this amounts exceeds 1/3rd of his salary, the remaining amount be deducted from salary of next month. He is also requested to intimate the compliance to the Commission along with photocopies of the Challan etc., at its email Id-rtsc-hry@gov.in. Smt. Chander Kanta is requested to provide the following details

to the office of Secretary-cum-DO, Market Committee, Cheeka as well as to the Commission for making the payment of the compensation: -:

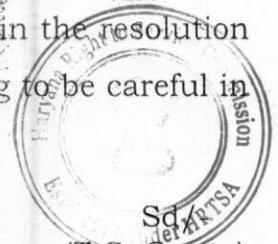
- (m) Name of the Bank
- (n) Name of the Account holder in the Bank
- (o) Bank Account Number
- (p) Address of the Bank
- (q) IFSC Code

(b) The Commission, in exercise of its powers under Section 17 (1)(d) of the Act recommends disciplinary action against Sh. Abhinav Walia DMEO-cum-FGRA for failing to perform his duties under Section 7 of the Act as mentioned above. Additional Chief Secretary to Government, Haryana, Agriculture and Farmers Welfare, Haryana is requested to intimate the Commission of the action taken in this case within 30 days of the receipt of these orders as provided in Section 18 (1) which states as under: -

'The State Government shall consider the recommendations made by the Commission under clauses (d), (e) and (f) of subsection (1) of section 17 and send information to the Commission of action taken within thirty days or such longer time as may be decided in consultation with the Commission, In case the State Government decides not to implement any of the recommendations of the Commission, it shall communicate the reasons for not acting on the recommendations to the Commission'.

(c) Giving the benefit of doubt to Sh. Hawa Singh Khabra that this case was not visible in his login ID, and keeping in mind the fact that as the Nodal Officer of RTS in the State, he has played an active role in the resolution of the cases, this case against him is filed with a warning to be careful in the future.

27th March, 2024


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