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

Letter No. 5362 Dated:- 4/12/24

To

Sh. Vivek Batra, the then Assistant Director, Kurukshetra.
Now Assistant Director, Sirsa.

Subject:- Final Order in Comp-111/Labour- Death Assistance and Funeral Assistance- HBOCWW Board- Sh. Naresh Kumar S/o Sh. Nathu Ram R/o Kaithal.

Sir

I am directed to forward herewith a copy of the order dated 02.12.2024 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

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

CC:-

Mr. Naresh (Complainant)

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Final Orders

(In respect of Comp-111 /Labour (BOCW)/2024- Sh. Naresh Kumar S/o Sh. Nathu Ram R/o Kaithal)

Date of Hearing: 02.12.2024 **Time: 10:30 am**

Case type	Complaint case
Department	Labour
Name of Service	Death Assistance and Funeral Assistance- - HBOCWW Board
Date of application	28.12.2017
RTS timeline	90 days
District	Kaithal
Name of the Appellant	Sh. Naresh Kumar
Designated Officer	Concerned Deputy Director
First Grievances Redressal Authority	Joint Secretary, HBOCWW Board
Second Grievances Redressal Authority	Labour Commissioner Cum Secretary, HBOCWW Board
Commission	03.06.2024(through email)

2. These orders are in continuation of the Commission's interim orders dated 04.10.2024 issued vide letter no. 4644 dated 09.10.2024 wherein the Labour Commissioner was directed to express the Commission's displeasure to Dr. Anuradha Lamba, Additional Labour Commissioner for conducting a superficial inquiry and taking appropriate action against her. Additionally, a notice under Section 17(1)(h) was issued to Sh. Vivek Batra, the then Assistant Director, Kurukshetra, to explain why he failed to act upon the application post the submission of documents since 26.10.2022 and to justify why a penalty should not be imposed on him.

3. In response, a reply dated 21.10.2024 was received from Sh. Vivek Batra, the then Assistant Director, Kurukshetra. He stated that he served as AWO (Kaithal) from 20.09.2022 to 28.11.2022 on an additional charge. During the review of the complainant's case, he found discrepancies in the documents submitted and raised an objection on the application. Unfortunately, the objection letter could

not be dispatched to the complainant due to a temporary unavailability of postal Stamps in the office. The letter was dispatched through speed post on 26.10.2022 to the registered postal address of the complainant but no reply or the requisite documents were provided by the complainant during his tenure. He clarified that there was no mala fide intention to delay the case and requested that no penalty be imposed, assuring better vigilance and timely service in the future. The Commission observed that the reply from Sh. Vivek Batra was not satisfactory.

4. Thereafter, a hearing was scheduled to be held under the chairmanship of Sh. T.C Gupta, Chief Commissioner, Haryana Right to Service Commission on 02.12.2024 at 10.00 am. The hearing took place as scheduled, which was attended by the following:

1. Sh. Vivek Batra, the then Assistant Director, Kurukshetra.
2. Sh. Naresh Kumar, Complainant.

Sh. Vivek Batra reiterated the contents of his reply dated 21.10.2024. During the hearing Smt. Naresh Kumar was also contacted by the Commission on the telephone which was answered by Sh. Sachin. However, he was not aware of the case and stated that he would ask Sh. Naresh Kumar to speak to the Commission on the same mobile number. Subsequently, a call was received from Sh. Naresh Kumar. He was pointedly asked, when he had deposited the documents in the O/o Assistant Welfare Officer, Kaithal in response to the letter dated 26.10.2022 and whether he has any receipt/acknowledgement as proof of depositing the documents. He stated that he had taken the documents to the O/o AWO, Kaithal immediately after receipt of the letter and the official had taken a photocopy of the same but did not give any receipt/acknowledgement. He also did not recollect the date when he had deposited the documents in the AWO office.

5. The Commission has carefully considered all the facts and circumstances of this case. The delay in this case has mainly happened due to the non-processing of the documents submitted by the complainant in response to the letter dated 26.10.2022. However, there is no documentary evidence to support the date when these documents were deposited by the complainant in the O/o AWO, Kaithal. Sh. Vivek Batra remained in the office till 28.11.2022 and even though it is

presumed that the complainant would have deposited the documents during his tenure but in the absence of documentary proof, he cannot be held responsible. Therefore, giving him the benefit of the doubt, this case is hereby filed especially because the benefits have already been paid to the complainant after the intervention of the Commission and also written assurance of Sh. Vivek Batra that he will ensure greater vigilance and timely service in the future.

With these orders, this complaint is hereby disposed of.

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

2nd December, 2024