

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. HRTSC/ 4355

To

Dated: 27/9/24

1. The Chief Administrator,
Haryana State Agriculture Marketing Board,
Panchkula, Haryana.
2. Sh. Rajesh Sangwan, CFA,
3. Sh. Chander Mohan, Account Officer,

Subject: Final orders in respect of revision appeal against order issued by SGRA-Cum-ZMEO, HSAMB, Gurugram dated 12.03.2024.

Sir,

I have been directed to forward herewith a copy of the interim order dated 26th Sept, 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 Right to Service Commission
E-mail: rtsc-hry@gov.in

Endst. No. HRTSC / 4356

Dated: 27/9/24

A copy is forwarded to Ms. Lata, Secretary, Market Committee, Hodal for information.

(Sube Khan)

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



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Final Orders

(In respect of revision appeal against RTS order appeal No. AAS/2023/959893 of Mahesh Kumar issued by SGRA-Cum-ZMEO, H.S.A.M.B Gurugram dated 12.03.2024.

Date of Hearing: 25.09.2024

Time: 11:15 am

1. These orders are in continuation of the interim orders passed by the Commission on 24.06.2024 vide letter no. 2658, the operative part of which is as follows :-

"The Commission has carefully considered all facts and circumstances of this case. From the documentary evidence enclosed with the appeal, it is evident that the appellant had taken adequate steps for getting the funds released so that assistance could be disbursed to the victim. The sanction in this case was granted well within the RTS timeline of 60 working days and prima facie, there seems to be no fault on her part. However, a final decision in the case will be taken only after receipt of reply from the CFA. As per Para 6 of the SOP issued by the HSAMB in August 2022, the CFA is under an obligation to release the funds within 20 days of the SMC bringing it to their notice. In this instance, not only 20 days but nearly 4 months elapsed without releasing the funds, thereby preventing the payment of assistance. Therefore, the Commission orders the following: -

(i) *Sh. Rajesh Sangwan, CFA to explain as to why the funds were not released to the Secretary Market Committee, Hodal despite multiple requests dated 16.11.2023, 05.12.2023, 29.12.2023, 08.01.2024, 30.01.2024 and 19.02.2024.*

(ii) *Why suo-moto cognizance of this case may not be taken by the Commission under Section 17 of the Act and a penalty under Section 17 (h) may not be imposed upon Sh. Rajesh Sangwan for failure to release the adequate funds because of which the notified service could not be delivered in notified timelines.*

(iii) *Sh. Chander Mohan, Account Officer should also explain as to what action was taken by him after Ms. Lata, Secretary, had met him for release of funds.*

(iv) *Sh. Hawa Singh Khobra, SGRA-cum-ZMEO to submit a reply as to why he did not take cognizance of the above facts before passing his order dated 11.03.2024."*

2. Sh. Hawa Singh Khobra, SGRA-cum-ZMEO retired from the service, hence, he is not part of the further proceedings. The Commission forwarded the replies received from HSAMB officers to Smt. Lata, the then SMC for her comments vide letter no.3393 dated 08.08.2024. Smt. Lata mentioned that her multiple requests for additional budgetary allocation were delayed due to communication errors. Despite submitting all necessary documents, the head office initially misinterpreted her requests leading to procedural inefficiencies. The budget was finally sanctioned after several submissions. To proceed further, the Commission sent the replies of Smt. Lata to Sh. Rajesh Sangwan, CFA and Sh. Chander Mohan, Account Officer. A hearing was scheduled with them along with Smt. Lata under the chairmanship of Sh. T.C. Gupta, Chief Commissioner, Haryana

Right to Service Commission on 25.09.2024 at 11.15 am conveyed to them vide Commission's email dated 10.09.2024.

3. The hearing took place as scheduled, which was attended by the following:-
 - i. Sh. Rajesh Sangwan, CFA
 - ii. Sh. Chander Mohan, Accounts Officer
 - iii. Smt. Lata, the then SMC, Hodal (Appellant)

4. Sh. Rajesh Sangwan reiterated the contents of his earlier reply dated 05.07.2024. When specifically asked as to why he had not approved the budget within 20 days of the Secretary, Marketing Committee bringing it to his attention, as per the provisions of Para No. 6 of the SOP issued by HSAMB in August 2022, he stated that no funds are released by the headquarters to the committees. The 114 committees in the State are all independent bodies and they must manage their affairs within the income they earn and according to the budget approved by HQ. If there is any shortage of funds under any head, they can have it re-appropriated or may request for a loan from other Committees. When he was further asked as to how the funds were arranged in this case after the notice from the Commission, he stated that the same has been specially sanctioned by means of re-appropriation by the Chief Administrator, HSAMB. When Sh. Chander Mohan was asked as to why there was a delay in taking due action for releasing of the funds when Ms. Lata met him, he did not have a concrete answer and stated that he had replied to all the emails that SMC, Hodal had sent to the HQs.

Smt. Lata reiterated that she had followed all the due procedure and had sanctioned the case within notified limit. She further reiterated that due to unavailability of the funds, she had not only sent additional budget requests to the headquarters multiple times but also met Sh. Chander Mohan and Sh. Rajesh Sangwan personally at the headquarters. Sh. Chander Mohan denied the claim of Smt. Lata meeting him to which Smt. Lata further stated that she had not only met him but had also made her accountant talk to Sh. Chander Mohan on the phone during the meeting. Sh. Rajesh Sangwan stated that he had guided Smt. Lata of the due process during the meeting but no official letter was sent to her in this regard.

5. The Commission has carefully considered all facts and circumstances of this case and orders as under:-

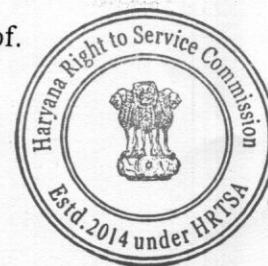
- (i) At the outset, it is evident from the documentary evidence submitted by Smt. Lata that she made significant and commendable efforts to secure the release of the budget, both by consistently mailing the budget requests and by personally meeting with the relevant officials. The Commission wishes to place on record its appreciation for Smt. Lata's dedication and diligence in this regard. No delay or fault has been found on her part. In light of these facts, the penalty of Rs. 2,500 imposed upon her by the SGRA-cum-ZMEO in the orders dated 11.03.2024, is hereby set aside.
- (ii) As far as Sh. Chander Mohan is concerned, the Commission expresses its strong displeasure over his failure to take appropriate and timely action upon

receiving the emails from SMC, Hodal. His inaction on this matter is unacceptable and demonstrates a disregard for his responsibilities. The Commission issues a formal warning to Sh. Chander Mohan, emphasizing that any such lapses in the future will not be tolerated. He is hereby cautioned to exercise greater diligence in his duties moving forward, ensuring that such instances do not recur.

(iii) Sh. Rajesh Sangwan demonstrated a clear lack of awareness and adherence to the Standard Operating Procedure (SOP) issued by the HSAMB itself in August 2022, specifically the provisions under para 6. This clause clearly obligates the CFA to approve the budget within 20 days from the date the SMC brings the matter to its attention. Sh. Sangwan failed to perform this duty, both in knowledge and in practice. It is a matter of record that nearly four months passed before he took requisite action - an inexcusable delay that starkly contrasts with the stipulated timeline. Furthermore, at no point did Sh. Sangwan send an official communication to SMC outlining the appropriate procedure to procure funds in the event of insufficient market committee funds. Instead, responses to the SMC's mails were delayed, being answered only upon receipt. Alarming, there were instances where Sh. Sangwan even claimed non-receipt of budget requests, a claim directly contradicted by Smt. Lata, who provided copies of the relevant emails. If required, he as head of the Finance Wing of the Board should have guided the junior / field functionaries for efficient discharge of their duties. Instead of indulging in to and fro exchange of emails (6 in this case), he could have easily guided Ms. Lata how to proceed so that payment to the victim's family could be made in time. Given these facts, Sh. Rajesh Sangwan is squarely responsible for causing the delay in releasing the funds and subsequently, in delivery of a notified service in a timely manner because of which the survivors of the deceased's family suffered. Therefore, the Commission, in exercise of its powers under Section 17(1)(h) of the Haryana Right to Service Act, 2014, hereby imposes a token penalty of Rs. 5,000 on Sh. Rajesh Sangwan. Chief Administrator, HSAMB is directed to ensure the deduction of this amount from his salary of October, to be paid in November and deposit the same in the State Treasury under the Receipts Head 0070-60-800-86-51. He is also requested to intimate the compliance to the Commission along with the photocopies of the Challan at it email id: rtsc-hry@gov.in.

With these orders, the case is hereby disposed of.

26th September, 2024



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