

Chandigarh Right to Service Commission

(Chandigarh Administration)

Nagar Yojana Bhavan, C- Wing, Sector 18-A, Madhya Marg, Chandigarh -
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No. PS/CRTSC/2022/ 05-16
Petition No. 172 of 2022

Dated: - 03-01-2023

Shri Avtar Singh

Vs.

Sub Divisional Assistant -cum-Designated Officer
(under the Right to Service Act), Sub Division (South) Office of Deputy
Commissioner, UT Administration Chandigarh

ORDER

This is a complaint/petition dated 03.11.2022 filed by one Sh. Avtar Singh in the Chandigarh Right to Service Commission, stating therein that he had applied for Issuance of a Scheduled Caste Certificate (Migration) in respect of his daughter, namely Ms. Taranpreet Kaur, through e-sampark centre, Sector 40, Chandigarh vide receipt no. 211906799 dated 29.11.2021. He has added that although a period of 340 days has passed, yet neither the Scheduled Caste Certificate nor any document has been received from the Office of Deputy Commissioner, U.T. Administration, Chandigarh, till date.

2. As per Sr. No. 21 of the list of Public Services (Issuance of SC Certificate {Migration}), the Designated Officer has to write a letter to the concerned authorities in the State of origin for the genuineness/verification report within 05 working days from the date of submission of application by the applicant, and after receipt of the same from the State of origin, the Designated Officer has to issue the Certificate within 05 working days, but the Sub Divisional Assistant -cum-Designated Officer (under the Right to Service Act), Sub Division (South), Office of Deputy Commissioner, UT Administration Chandigarh has failed to provide the said service till date, as alleged by the applicant.

3. Therefore, the undersigned being Commissioner of the Chandigarh Right to Service Commission, by taking suo moto action under Section 17 (1) (b) of the Punjab Right to Service Act 2011, issued a Show Cause Notice bearing No. PS/CRTSC/2022/590-593 dated 09.11.2022 to the Designated Officer to show cause as to why penal action should not be taken against him under Section 2(h) of the Punjab Right to Service (Amendment) Act 2014, as extended to the Union Territory



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of Chandigarh. He was also directed to appear before the Commission on 15.11.2022 at 10.30 am.

4. The case was heard on 15.11.2022. Sh. Surinder Singh, the present Designated Officer was present and submitted written reply to the Show Cause Notice, which was taken on record. Sh. Avtar Singh, the petitioner was also present. The Designated Officer verbally stated that Ms. Renu, Senior Assistant was his predecessor and Designated Officer during the period from 29.11.2021 to 05.01.2022, whereafter he has been the concerned Designated Officer. He further stated that he had been on medical leave from 01.06.2022 to 01.10.2022 as a result of one 'road accident', and during his absence, the charge of his seat was given to Sh. Bhag Chand, Junior Assistant.


5. On the basis of written reply and verbal submissions made by the present Designated Officer, a Show Cause Notice bearing No. PS/CRTSC/2022/659-662 dated 16.11.2022 was issued to Sh. Pankaj Sehrawat, Clerk and Sh. Sanjeev Kumar, Clerk (on contractual basis) office of Sub Divisional Magistrate (South) was issued, and a Show Cause Notice bearing No. PS/CRTSC/2022/663-666 dated 16.11.2022 was also issued to Ms. Renu, Senior Assistant and Sh. Bhag Chand, Junior Assistant Office of the Deputy Commissioner, UT Chandigarh. The above said four officials were also directed to appear before the Commission on 13.12.2022 at 10.30 am

6. The case was heard on 13.12.2022. Ms. Renu, Senior Assistant, Sh. Pankaj Sehrawat, Clerk and Sh. Sanjeev Kumar, Clerk (contractual basis) were present and submitted their written replies, which were taken on record. Sh. Bhag Chand was not present as he was admitted to the Government Medical College & Hospital, Sector 48, Chandigarh as per report of the concerned official of the Office of the Deputy Commissioner, UT Chandigarh.

7. As per written reply submitted by Ms. Renu, the case for issuance of the Caste Certificate in question was not put up to her by the supporting staff during the period (29.11.2021 to 05.01.2022) she remained posted in the office of SDM (South).

8. Sh. Sanjeev Kumar, Clerk (on contractual basis) in his written reply has submitted that due to lot of pending work of SC Certificates on his seat he could not put up the file of the petitioner.

9. Sh. Pankaj Sehrawat, Clerk, in his written reply has pointed out that the delay in providing the service occurred due to non-providing of Verification Report by the revenue official in time.



10. Accordingly, a Show Cause Notice bearing No. PS/CRTSC/2022/704-706 dated 16.12.2022 was issued to Sh. Ramchander, Patwari, Office of Deputy Commissioner, UT Chandigarh, and he was also directed to appear before the Commission on 26.12.2022 at 10.30 am.

11. On 26.12.2022, Sh. Ramchander, Patwari was present. No written reply to the Show Cause Notice was submitted by him. He, however, verbally stated that he was handling additional charge of Patwari of village Burail. He further submitted that he was over burdened with work e.g. he had to conduct a large number of enquires with regard to issuance of Income Certificates in the months from December, 2021 to March, 2022. He also stated that he did not have a separate computer and printer, as a result of which he used to use computer of another official after 5.00 pm only. He further stated that apart from the said work, he had lot of other works also. He also stated that he had to prepare new 'lathhas' and 'jamabandis'. Therefore, he requested that he may be pardoned this time as he was over burdened in the year 2021-2022

12. Perusal of the office record (subsequently made available by the present Designated Officer) with regard to movement of the concerned file reveals that **initially the file was received by Mr. Pankaj Sehrawat, Clerk on 06.12.2021 and after checking and scanning of all the requisite documents he created file in e-office and thereafter it was sent to the concerned Patwari, Shri Ramchander on 20.12.2021 for Verification Report (i.e. after 14 days).**

13. **Shri Ramchander, Patwari submitted the file to Shri Satyabir, Kanoongo on 08.03.2022 (i.e. after 78 days).**

14. Shri Satyabir Kanoongo submitted the file to the Tehsildar (Revenue) on 10.03.2022 (i.e. after 02 days).

15. The Tehsildar (Revenue) sent the file to Shri Pankaj Sehrawat, Clerk Office of SDM (S) on the same day i.e. on 10.03.2022.

16. **Shri Pankaj Sehrawat, Clerk returned the file to the Tehsildar on 24.03.2022 with the observation "please attach Patwari's report" (i.e after 14 days).**

17. The Tehsildar (Revenue) marked the file to Shri Ramchander, Patwari for attaching the report on 31.03.2022 (i.e. after 07 days).



18. As stated by the present DO, the work relating to issuance of Certificates was reverted back to manual mode from e-office mode w.e.f. 30.03.2022 due to some technical problems in the portal

19. Therefore Shri Ramchander, Patwari took all the files manually from the office of the SDM(S) on 31.03.2022 for verification reports.

20. **Shri Ramchander, Patwari sent the file to Shri Satyabir, Kanoongo on 28.05.2022 (i.e. after 58 days).**

21. Shri Satyabir, kanoongo marked the file to the Tehsildar (R) on 30.05.2022 (i.e. after 02 days)

22. The Tehsildar (R) sent the verification report to Shri Pankaj Sehrawat, Clerk on the same day i.e. on 30.05.2022.

23. Shri Pankaj Sehrawat, Clerk was transferred from the seat on 17.06.2022 and Shri Sanjeev Kumar, Clerk (on contractually basis) took the charge of the seat on the same day. Hence, **for 19 days Sh. Pankaj Sehrawat, Clerk did not take any action in the case.**

24. **Shri Sanjeev Kumar put up the file on 03.11.2022 (i.e. after 139 days)** to the present Designated Officer, and the latter finally issued the SC Certificate to the applicant on 07.11.2022(i.e. after 04 days)

25. **From the above it is apparent that the file has been in the custody of Sh. Pankaj Sehrawat, Clerk Office of SDM(S) for 45 days, Sh. Ramchander, Patwari Office of the Deputy Commissioner for furnishing the Verification Report, for as many as 136 days and Shri Sanjeev Kumar, Clerk (on contractual basis Office of SDM (S) for 139 days which is apparently a very long period.**

26. On questioning the reasons for delay, Shri Pankaj Sehrawat, Clerk, Shri Sanjeev Kumar, Clerk (on contractual basis) both working in the office of the SDM (S) in addition to their written replies also verbally stated that they were over-burdened with the work, and therefore could not put up the case in time. Similarly, Sh. Ramchander Patwari office of the Deputy Commissioner has verbally stated that during the period in question he had been over burdened with the work, with the result that he could not furnish Verification Report on time. These are flimsy explanations and hence not acceptable to the Commission. On one hand, Sh.



Ramchander, Patwari has stated that he had to conduct a large number of inquiries for issuing income certificates during the period from December, 2021 to March, 2022, on the other how can he take the plea that he could not find time to conduct even one enquiry in connection with the issuance of an SC Certificate. It only shows his insensitivity in the matters concerning a vulnerable section of society viz. Scheduled Castes and hence un-pardonable.

27. In view of the above, explanations submitted by the above said three officials are not found satisfactory by the Commission and therefore, the Commission considers it appropriate to impose penalty of fine upon them under Section 2(h) of the Punjab Right to Service (Amendment) Act 2014, as extended to the UT of Chandigarh, as under: -

Sr. No.	Name and Designation	Amount of penalty to be deducted from the salary of the official
1.	Sh. Pankaj Sehrawat, Clerk, office of SDM (South)	Rs. 2000/-
2.	Sh. Sanjeev Kumar, Clerk (contractual basis), office of SDM (South)	Rs. 4000/-
3.	Sh. Ramchander, Patwari, office of DC, UT Chandigarh	Rs. 4000/-

28. Further, it is clear from the office record of the Office of SDM (S) that the file was not put up to the former Designated Officer, Ms. Renu, during the period of her posting from (29.11.2021 to 05.01.2022), and Shri Bhag Chand, Junior Assistant who remained posted as the Designated Officer during the medical leave period of Shri Surinder Singh for the period from 01.06.2022 to 01.10.2022. Therefore, these two officials are not held responsible for delay in providing the service to the applicant.

29. The file was put up by the dealing Clerk, Shri Sanjeev Kumar (on contractual basis) to the present Designated Officer, Shri Surinder Singh on 03.11.2022 only and the latter had issued the SC Certificate to the applicant on 07.11.2022 (within 05 days); this period is negligible and therefore, he is not held responsible for the delay.

30. However, the above mentioned three officials, namely, Sh. Surinder Singh, the present Designated Officer, Ms. Renu Arora, the previous Designated Officer and Sh. Bhag Chand, Junior Assistant (who remained posted as the Designated Officer during the Medical leave of Sh. Surinder Singh i.e. from



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O/h
K.K. Jindal, IAS(Retd.)
Commissioner

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Sh. Bhag Chand
04/11/2023

Sh. Bhag Chand, Junior Assistant, office of Deputy Commissioner, UT Chandigarh

Sh. Ramchander
4/11/2023

10. Sh. Ramchander, Patwari, office of Deputy Commissioner, UT Chandigarh

Copy is also forwarded to the:-

1. Private Secretary to the Advisor to the Administrator for kind information of the officer
2. Home Secretary, Chandigarh Administration, for information only

