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**Chandigarh Right to Service Commission**  
(Chandigarh Administration)  
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website: rtsc.chd.gov.in

No. PS/CRTSC/2023/ 88-96

Dated: - 13-02-23

Petition No. 94 of 2022

**Ms. Sandeep Kaur**

**Vs.**

**Superintendent Tax Branch Sub Office (Manimajra)-cum-  
Designated Officer (under the Right to Service Act), Municipal Corporation,  
Chandigarh**

**ORDER**

This is a complaint/petition dated 'Nil' received in the Chandigarh Right to Service Commission on 07.09.2022, from one Ms. Sandeep Kaur wife of Shri Jasmeet Singh Sekhon, stating therein that the Tax Branch Sub-Office Manimajra O/o of Municipal Corporation, U.T. Chandigarh, is not transferring the ownership of a part of House No. 113 and 113/1 (two houses), situated in Back Side Quila, Manimajra, Chandigarh on the basis of transfer deed dated 06.02.2015 in her name for which she had submitted application to the Tax Branch Sub-Office Manimajra on 19.11.2019

2. As per Sr. No. 134 of the list of Public Services notified by the Chandigarh Administration vide its Notification No.28/67/1-IH(11)-2022/3946 dated 08.03.2022 (**Change of Ownership on any basis**), this service is to be provided to any applicant by the Designated Officer within a period of 30 working days from the date of submission of the application, but the Superintended (MM)-cum-Designated Officer (under the Right to Service Act) office of Municipal Corporation Chandigarh (hereinafter referred to as the Designated Officer), has failed to provide the said service, till date, as alleged by the applicant.

3. The case was heard on 28.09.2022, Ms. Monil Chauhan, the Designated Officer was present and submitted her written reply dated 28.09.2022 to the Show Cause Notice, which was taken on record. She stated in her reply that at the time of submission of application by the applicant i.e. on 19.11.2019, she was not even posted in the Tax Branch, and at that time she was working as Senior Assistant and posted in the Colony Branch. On account of routine transfer of employees, she was transferred and assigned the charge of Superintendent, Tax Branch, Sub office, Manimajra vide office order No. 1421 dated

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23.06.2022. On assuming the charge as such on 23.06.2022, she started dealing with office files of sub-office Manimajra. She further stated that first time the file was put up to her on 20.09.2022 only, and she submitted the file to the Section Officer on the same day for approval of drafts. The file came back to her seat on 23.09.2022 after approval of the drafts by the Joint Commissioner, MCC, and the letters were issued by her on the same day to the applicant for submitting the documents so as to proceed further in the matter as certain documents were not furnished by the applicant.

4. During the course of hearing, the Designated Officer, Ms. Monil Chauhan further stated that the case got delayed because the Dealing Officials did not submit the file to the Designated Officer for a very long period(s). Accordingly, she was directed by the Commission to intimate the names, designations, present places of posting of the concerned officials who remained posted on the relevant seat during the last three years.

5. The Designated Officer vide her letter dated 06.10.2022 submitted detail of the officials who remained posted on the seat to which the matter pertained, as under:-

Sr. No.	Name and Designation of the official	Period of Posting	Remarks
1.	Sh. Rakesh Verma, Junior Assistant	12.10.2017 to 06.07.2020	(i) initially kept the file for 49 days  (ii) On returning of file by the Senior Assistant to him, he kept the file for 06 months and did not re-submit to the Senior Assistant
2.	Sh. Davinder Singh, Junior Assistant	06.07.2020 to 22.04.2021	During his posting on the concerned seat i.e. for a period of 06 months and 16 days, he did not put up the case at all
3.	Ms. Renu, Data Entry Operator	22.04.2021 to 05.08.2022	During her entire period of posting i.e. 1 year and 4 months she also did not put up the file at all
4.	Sh. Bal Krishan, Clerk	05.08.2022 to still working	Submitted the file to the Senior Assistant within 1 and ½ month from his posting on the seat

6. Accordingly, Show Cause Notices dated 17.10.2022 were issued to the above said officials with the directions to appear (in person) before the Commission on 2<sup>nd</sup> November, 2022 alongwith complete record of the case as well as written reply to the notice.

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7. The Section Officer, Municipal Corporation Chandigarh vide his letter dated 31.10.2022 intimated to the Commission that Ms. Renu, Data Entry Operator was on Maternity Leave w.e.f. 01.10.2022 for a period of 06 months.

8. On 02.11.2022, Sh. Rakesh Verma, Junior Assistant (now Senior Assistant), Sh. Davinder Singh, Junior Assistant and Sh. Bal Kishan, Clerk were present. Sh. Rakesh Verma did not submit any reply to the Show Cause Notice. Sh. Davinder Singh, Junior Assistant and Sh. Bal Kishan, Clerk submitted their written replies which were taken on record and the case was adjourned to 15.11.2022 at 10:30 am.

9. Thereafter on receipt of information from the Establishment Branch of the MCC vide their letter dated 10.01.2023, it was found that Shri Jagdeep Sehrawat, Section Officer has been posted in the Tax Branch, Sub Office Manimajra, UT, Chandigarh since 18.03.2020 and is still working there. Accordingly, Show Cause Notices dated 17.01.2023 was issued to the above said official with the direction to appear (in person) before the undersigned on 31.01.2023 at 10:30 am alongwith complete record of the case as well as written reply to the notice.

10. Sh. Jagdeep Sehrawat, Section Officer Tax Branch, Sub Office Manimajra submitted his written reply on 30.01.2023 which was taken on record and on perusal, the same was found satisfactory. Therefore, Commission is of the view that no delay on his part in providing the service to the applicant has occurred.

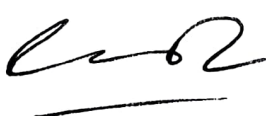
11. The relevant extract(s) of the reply submitted by abovesaid remaining officials is as under:-

Extract of reply of Sh. Davinder Singh

".....it is briefly submitted that Sh. Rakesh Verma Junior Assistant had been transferred on June 2020 and temporary charges was given to me for the time being. He was directed to hand over record to me. When the record was handed over to me the file was not in operational, so it was left to be dealt. Moreover, the applicant had no submitted the complete documents, as well as no issues any reminder for purpose her case....."

Extract of reply of Sh. Bal Kishan

".....It is briefly submitted that I, undersigned newly appointed as Clerk in Municipal Corporation, Chandigarh on 06.06.2022 and joined on 09.06.2022. In compliance of office order of W/Jt. CMC-IV the work of Tax Branch, Sub Office Manimajra was distributed on 05.08.2022. I was assigned the Record Keeper and deals with the case of files from House No. 1 to 700 (old Abadi) and thereafter I taken the charge of the same



records at Tax Branch, Sub Office Manimajra. Further, file was not in operation when the records was handed over to undersigned. It has not come to the notices at time. Moreover, Smt. Sandeep Kaur submitted the balance required documents on 28.10.2022 regarding entry of House/ Shop No. 113 & 113/1, Mansa Devi Road, Manimajra. Thus, file will be deal according as per rule at the earliest....." 113/c

12. The extract of the reply submitted by Sh. Rakesh Verma on 15.11.2022 is as under:-

".....it is submitted that the undersigned was posted in the sub-office, Manimajra and I was given the charge of old-Abadi area of Manimajra that contains more than 2500 households and commercial units.


It is further submitted that the change of ownership of H. No.113 and 113/1 situated in backside Quila, Manimajra was put up by the undersigned alongwith draft for seeking document of ownership of Smt. Gurpreet Kaur but the same was not signed because the then Senior Assistant sent back the file with the remarks " Please re-examine the ownership"

Further, it is humbly submitted I was the only assistant to deal will all the cases related to Old Abadi, Manimajra such as change of ownership, transfer of NOC of sewerage, water & electricity, court cases etc and I was also not given any clerk to assist and record keeper due to which being single handedly handling all such cases and was over loaded which was also apprised to my seniors number of times, the said case was remained un-dealt with inadvertently and kept in the office record....."

13. I have carefully gone through the replies/explanations submitted by all the above mentioned officials and found that explanations of Sh. Davinder Singh and Sh. Rakesh Verma are quite unsatisfactory.

14. The explanation of Sh. Davinder Singh is that when the record was handed over to him, the relevant file was not in operation and as such it was left to be dealt with on its own. He has further stated that the applicant had not submitted complete documents and also not sent any reminder for the purpose, with the result that he did not put up the case; such an explanation is not acceptable because once the official had come to notice that the applicant had not submitted complete documents, rather he should have sent a letter to the applicant for furnishing complete documents than expecting a reminder from the latter. It shows that the official was not at all bothered about implementing of the Chandigarh Right to Service Act and continued to deal with the case indifferently. He therefore very much deserves a penal action to mend his ways for the future.

15. Likewise is the case of another official, namely, Sh. Rakesh Verma. His explanation is that he was not given any Clerk or Record-Keeper to assist him, with the result that he was overloaded and consequently the relevant case file remained un-dealt in the office record. Such an explanation is not tenable as he had kept the file pending for more than 07 months, whereas the total time-limit mandated under the Right to Service Act for disposal of such cases is 30 days. He too therefore deserves a penal action.



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16. After having gone through the entire case record as well as facts and circumstances of the case, I am of the view that ends of justice would be met after both the above mentioned officials are imposed a penalty of Rs. 2500/- each, and I do so accordingly.

17. The Commissioner, Municipal Corporation Chandigarh-cum-Second Appellate Authority (under the Right to Service Act), is therefore directed to recover the amount of penalty i.e. Rs. 2500/- from each of the above two officials, namely, Shri Davinder Singh, Junior Assistant, Tax Branch, Sub Office, Manimajra and Shri Rakesh Verma, Junior Assistant (now Senior Assistant) posted in Booking Branch, Municipal Corporation, Chandigarh as per provisions of Rule 12 of the Chandigarh Right to Service Rules, 2019, as notified vide Notification No. 28/67/1/-IH(11)-2019/15461 dated 11.10.2019 immediately, under intimation to this Commission.

18. With regard to Ms. Renu, Data Entry Operator, action will be initiated against her on her return from maternity leave. The concerned officer of the Municipal Corporation is therefore directed to send a copy of her joining report to this Commission immediately on her joining after availing of the maternity leave.

19. Keeping in view the fact that Sh. Bal Kishan is a newly appointed Clerk and requires training/guidance from his seniors to perform official duties timely, the Commission takes a lenient view this time and warns him to be careful in future while dealing with the time-bound files.

20. The Show Cause Notice bearing No. PS/CRTSC/2022/334-337 dated 14.09.2022 issued to Ms. Monil Chauhan, the former Designated Officer and the Show Cause Notice bearing No. PS/CRTSC/2023/48-50 dated 17.01.2023 issued to Sh. Jagdeep Sherawat, Section Officer, are hereby withdrawn.

K.K. Jindal, IAS (Retd.)  
Commissioner

Copy is forwarded for information and necessary action to:-

1. The Commissioner-cum-Second Appellate Authority (under the Right to Service Act), U.T. Administration Chandigarh
2. The Joint Commissioner-cum-First Appellate Authority (under the Right to Service Act), U.T. Administration Chandigarh
3. Sh. Jagdeep Singh Sherawat, Section Officer, Tax Branch, Sub-Office, Manimajra
4. Ms. Monil Chauhan, Superintendent, (Now posted in Vending Cell), Municipal Corporation, Chandigarh

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5. Sh. Rakesh Verma, Junior Assistant, Tax Branch (Now posted in Booking Branch), Sub-Office Manimajra, U.T. Chandigarh

6. Sh. Davinder Singh, Junior Assistant, Tax Branch, Sub-Office Manimajra, U.T. Chandigarh

7. Sh. Bal Kishan, Clerk, Tax Branch, Sub-Office Manimajra, U.T. Chandigarh

8. Ms. Renu, Data Entry Operator, Tax Branch, Sub-Officer, Manimajra, U.T. Chandigarh (through Joint Commissioner-II, Sub Officer, Manimajra Municipal Corporation, Chandigarh)

9. Ms. Sandeep Kaur .....through email

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