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**Chandigarh Right to Service Commission**  
(Chandigarh Administration)

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Phone No. 0172-2700018, email – chd.rtsc@chd.nic.in  
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No. PS/CRTSC/2023/ 174 -177

Dated: - 05-07-2023

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

Ms. Sandeep Kaur had filed a complaint/petition dated 'Nil' received in the Chandigarh Right to Service Commission on 07.09.2022, stating therein that the Tax Branch Sub-Office Manimajra O/o of Municipal Corporation Chandigarh, is not transferring the ownership of a part of two Houses in respect of House No. 113 and 113/1, 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. Whereas, 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 Superintendent (MM)-cum-Designated Officer (under the Right to Service Act), had failed to provide the said service to the applicant within the stipulated time-limit;

3. The case was heard on 28.09.2022 by my predecessor. Ms. Monil Chauhan Superintendent Tax Branch, Sub-Office (Manimajra)-cum-Designated Officer (under the Right to Service Act) UT, Chandigarh was present. During the course of hearing, she stated that the case got delayed because the dealing officials did not submit the file to the Superintendent (MM)-cum-Designated Officer for very long period(s). Accordingly, she was directed to intimate the names, designations, present place of postings of the concerned officials who remained posted on the relevant seat during the last three years, and the case was adjourned to 06.10.2022. On the said date, the Designated Officer submitted detail of the officials who remained posted at the

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concerned seat (photocopy enclosed). In the list of officials, it has been mentioned that Ms. Renu, Data Entry Operator remained posted on the concerned seat from 22.04.2021 to 05.08.2022 and did not put up file to the Senior Assistant and kept the same pending with her during the entire period of her posting i.e. for one year and four months, which led to inordinate delay in providing the service to the applicant by the Designated Officer. This lapse on her part had been viewed seriously by my predecessor and therefore, he by taking suo moto action under Section 17 (1) (b) of the Punjab Right to Service Act 2011, vide Show Cause Notice bearing No. PS/CRTSC/2022/460 dated 17.10.2022 called upon Ms. Renu Data Entry Operator to Show Cause as to why penal action should not be taken against her under Section 2(h) of the Punjab Right to Service (Amendment) Act 2014 as extended to the Union Territory of Chandigarh but, she being on Maternity Leave during the relevant period, the Show Cause Notice could not be served upon her.

4. On resuming duties on 31.03.2023 after availing maternity leave by her, 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, called upon Ms. Renu, Data Entry Operator to Show Cause as to why penal action should not be taken against her under Section 2 (h) of the Punjab Right to Service (Amendment) Act 2014 as extended to the Union Territory of Chandigarh.

5. The abovesaid official has submitted reply to the Show Cause Notice, the relevant extract of which is reproduced below:-

*"It is briefly submitted that when I was assigned the charge of the file/record in question, it was closed file (not in process). Thus it has not come to my notice and remained un-attending. Moreover, it was also not brought to my notice by my predecessor about the pendency of said case. However, there is no Government loss as well as any personal loss by this unfortunately mistake.*

*Further, the NOC/entry has already been made in favour of applicants by the office and nothing is due to proceed further.*

*Keeping in view of the above, the Show Cause Notice may be dropped/withdrawn. I shall be highly thankful to you for this act of kindness".*

6. I have carefully gone through the reply/explanation submitted by the official. Her explanation, that it was a closed file (not in process) when she joined on the concerned seat and the same remained un-attended as the pendency of files was not brought to her notice by her predecessor, is quite un-satisfactory. It was her duty to ascertain pendency in her office at the time of taking charge of her office. Her second version that there is no Government loss as well as any personal loss by the unfortunate mistake, is also irrelevant, because the matter did not relate to any kind of loss to the government and/or to the applicant but the matter was related to implementation of provisions of Right to Service Act. Her third version that entry has already been made in

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favour of the applicants is also not justified, because the action in this case was initiated only, after taking of cognization by the Commission.

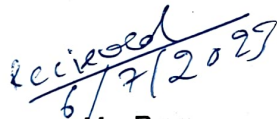
7. In view of the above, undersigned is of the view that ends of the justice would be met, if a suitable penalty under the provisions of the Act ibid is imposed upon the official for not performing duties. Accordingly, keeping in view the long pendency of about one year and four months on her part, undersigned, being Commissioner, Chandigarh Right to Service Commission, hereby imposes a penalty of Rs. 5,000/- upon Ms. Renu, Data Entry Operator, Tax Branch, Sub Office Manimajra, Municipal Corporation, Chandigarh

8. 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. 5000/- from Ms. Renu, Data Entry Operator, Tax Branch, Sub Office Manimajra, 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.

9. Orders accordingly

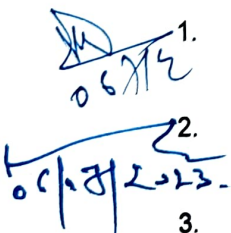
  
Dr. Dharam Pal, IAS  
Commissioner

To



Ms. Renu  
Data Entry Operator  
Tax Branch, Sub-Office, Manimajra  
Municipal Corporation Chandigarh

Copy is forwarded for information and necessary action to:-

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1. The Commissioner-cum-Second Appellate Authority (under the Right to Service Act), Municipal Corporation Chandigarh
  2. The Joint Commissioner -cum-First Appellate Authority (under the Right to Service Act), Municipal Corporation Chandigarh
  3. Ms. Sandeep Kaur .....through email