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Chandigarh Right to Service Commission
(Chandigarh Administration)
Nagar Yojana Bhavan, C- Wing, Sector 18-A, Madhya Marg, Chandigarh -160018
Phone No. 0172-2700018, email – chd.rtsc@chd.nic.in
website: rtsc.chd.gov.in

No. PS/CRTSC/2025/ 43-47

Dated: - 27-03-2025

Petition No. 116 of 2024-2025

Ms. Shivani Devi

Vs.

Concerned Section Officer (Estate) or Assistant Controller (Finance &
Accounts)-cum-Designated Officer
(under the Right to Service Act), Estate Branch of the Municipal Corporation,
Chandigarh

ORDER

Whereas a complaint/petition dated 25.02.2025 has been filed by Ms. Shivani Devi, in which she stated as under:

"I am writing to bring to your attention a complaint regarding the non-issuance of a No Objection Certificate (NOC) for the transfer of property, despite submitting all required documents and reminders.

I applied for the NOC for the transfer of H.No.4, Khuda Alisher, U.T. Chandigarh on 12.09.2024 (Annexure 'A'), at the office of the Chief Executive Officer, Zila Parishad Chandigarh, now Jt. Commissioner (Estate), Municipal Corporation, Chandigarh. In response, I received a letter from the Municipal Corporation (Estate Branch) Chandigarh, vide No. MCC/Estate/2024/1856419, dated 26.11.2024 (Annexure 'B'), requesting additional documents for the transfer.

I submitted all the required documents on 27.11.2024 (Annexure 'C'). However, despite sending reminders on 29.1.25 (Annexure 'D'), dated 14.2.25 (Annexure 'E'), and dated 24.2.2025 (Annexure 'F'), I have not received the NOC from the office of Jt. Commissioner (Estate), Municipal Corporation, Chandigarh.

I request you to take appropriate action regarding this matter, as per the Right to Service Act. I have attached all relevant documents, including my application, reminders, and receipts, for your reference".

2. As per Sr. No. 150 of the list of Public Services, the service 'No Objection Certificate for transfer to lease rights by way of sale/gift/family transfer deed/exchange deed' was required to be provided to the applicant within a period of 31 working days from the date of submission of application. As the applicant had submitted all the required documents on 27.11.2024, the period of 31 working days had

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already expired on 10.01.2025, but the Designated Officer (under the Right to Service Act), failed to provide the service to the applicant till date, as alleged by her.

3. Therefore, the undersigned being Chief 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 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 of Chandigarh vide Suo Moto Notice bearing No. PS/CRTSC/2025/29-32, dated 03.03.2025. He was also directed to appear (in person) before the undersigned on 7th March, 2025 alongwith complete record of the case as well as reply to the notice.

4. The case was heard on 07.03.2025. Ms. Shivani Devi, the applicant and Sh. D.P. Singh, the Designated Officer alongwith Shri Ravinder Singh, Senior Assistant, Municipal Corporation, Chandigarh were present. The Designated Officer submitted a written reply to the Show Cause Notice which was taken on record.

5. The Designated Officer stated that the Village Khuda Alisher was under Zila Parishad, but got merged in MCC, in the year 2019. He further stated that the record of the Zila Parishad was not transferred to the MCC, and therefore, he was not aware of the fact that there were some houses allotted to the persons by Zila Parishad. On receipt of the application, he came to know about this fact. Then the process for procuring the office record from the Zila Parishad was started. Zila Parishad handed over the record on 26.11.2024 only, and he wrote a letter to the applicant, pointing out the shortcomings in her application on the same day i.e. 26.11.2024.

6. The applicant stated that she had submitted all the required documents on 27.11.2024 but now the Designated Officer has written a letter dated 06.03.2025, mentioning therein that the total area allotted to her was 100 sq. Yds., but as per the report of SDER-I and Tehsildar, Municipal Corporation, Chandigarh, the applicant has covered approximately 270 sq. yards, thereby encroaching approximately 170 sq. yds of Municipal Land. The applicant further stated that she has been directed to remove the encroachment from the Municipal land immediately, under intimation to the office. **The applicant contradicted the version of the Designated Officer, stating that no alteration in the house, in question, has been made and no encroachment on Municipal land has been made by her.**

7. In view of the above, the Commission directed the Designated Officer to provide the chronological events of the merger of the Villages/Zila Parishad and its

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staff with the Municipal Corporation. He was also directed to bring the concerned Senior Assistant of the Zila Parishad, now merged with the Municipal Corporation, Chandigarh, on the next date of hearing i.e. 17.03.2025.

8. The case was heard on 17.03.2025. The Designation Officer, Senior Assistant and the applicant were present in person. The reply submitted by the Designated Officer was taken on record. After hearing both the parties, the Designated Officer and the Senior Assistant, Shri Ravinder Singh were directed to submit their written explanation for not providing the service to the applicant within the stipulated time-limit of 31 working days, by 19.03.2025.

9. The Designated Officer and the Senior Assistant submitted their written explanation on 19.03.2025, which were taken on record.

10. The applicant also submitted a copy of joint inspection report of the SDER-I, Tehsildar, Municipal Corporation, Chandigarh and Shri Manish Bansal, one of the allottee of above said House No. 4, Khuda Alisher, UT, Chandigarh, which was also taken on record. The extract of the report is as under: -

*"On the inspection of the site it is found that all allottees **except House No. 4** have constructed new houses in approximately 270 sq. yds. in place of 100 sq.yds. allotted to the allottees. As the applicant had also constructed a tin shed room behind his plot in parallel of others which indicated that applicant have also encroached the Gram Panchayat land as others. Now the applicant has demolished the tin shed room behind his allotted plot/house. **At present, applicant has not constructed any type of new house by encroaching Gram Panchayat Land.**"*

11. Based on the facts and circumstances of the case and the perusal of the record presented before the undersigned, it is apparent that the applicant has neither been provided the notified service within the prescribed time-limit by the Designated Officer nor her application has been rejected. It is also admitted by Sh. D.P. Singh, Designated Officer that there is a delay in providing the service to the applicant. However, he stated that the same could not be done within the time-limit because the record was not available with the office of the Municipal Corporation Chandigarh. It is pertinent to mention here that the said property which earlier belonged to Gram Panchayat, Khuda Alisher/Zila Parishad was transferred way back in 2019 to the Municipal Corporation Chandigarh vide Notification dated 18.01.2019. It is surprising that even after the lapse of around 06 years, the record has not been obtained by the Municipal Corporation Chandigarh from the Zila Parishad. Therefore, this plea of non-availability of the record with the Municipal Corporation is not tenable. It is also apparent from the record that even after issue of *suo moto* notice

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by the Commission under Section 17 (1) (b) of Punjab Right to Service Act 2014, as extended to the Union Territory of Chandigarh, there was no serious attempt to provide the service by the Designated Officer, rather a notice was issued to the applicant on 06.03.2025, stating violation/ encroachment by the applicant. Even after the adjournment of the case to 17.03.2025, the Designated Officer simply issued another letter to Tehsildar and SDER-I, Municipal Corporation on 12.03.2025 for re-inspection which was 05 days before the hearing fixed in the Commission.

12. The Tehsildar in his joint inspection report dated 17.03.2025 has specifically mentioned that **all the allottees except House No. 4 (applicant)** have constructed new houses in approximately 270 sq yards in place of 100 sq. yards allotted to them. It has also been mentioned in the Joint Inspection Report that at present, the applicant has not constructed any type of new house by encroaching Gram Panchayat land.

13. Therefore, it is abundantly clear that the Designated Officer who joined the office on 16.12.2024, is guilty of not providing the service to the applicant within the prescribed limit of 31 working days. Hence Shri D.P. Singh, Superintendent Estate Branch, Municipal Corporation, Chandigarh has failed to put up/mark the file to the concerned Officers/officials for 33 working days, on different occasions without any cogent reason. Even after conducting second inspection by SDER-I and Tehsildar, neither the service has been provided to the applicant nor her application has been rejected. Hence the Designated officer clearly violated the time-limits mentioned in the notification dated 08.03.2022.

14. It is also apparent from the record/noting sheets of the case that Sh. Ravinder Singh, Senior Assistant has also contributed towards the delay in providing the service to the applicant by not putting up/mark the file to the concerned Officers/officials for 44 working days, on different occasions without any cogent reason. Therefore, he is also equally responsible for not providing the service as he was the custodian of the record and all procedural requirements were supposed to be done by him within the prescribed time limit.


15. It is also evident from the perusal of the record that Sh. Sunil Dutt who was posted as Superintendent from 16.06.2022 to 13.12.2024 in the Estate Branch of the Municipal Corporation, Chandigarh is also responsible for not taking any action on the application submitted by the applicant from 12.9.2024 to 13.12.2024. A separate notice has been issued to Sh. Sunil Dutt, Superintendent to explain as to why penal action should not be taken against him under Section 2(h) of the Punjab

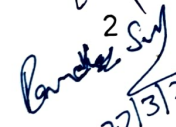
Right to Service (Amendment) Act 2014, as extended to the Union Territory of Chandigarh.

16. Therefore, as per provisions of Section 2 (h) of the Punjab Right to Service (Amendment) Act, 2014, I hold Sh. D.P. Singh, Superintendent and Sh. Ravinder Singh, Senior Assistant, Estate Branch, Municipal Corporation, Chandigarh guilty of not providing the service to the applicant within the stipulated time limit and therefore, to meet with the requirements of justice, impose a penalty of Rs. 4000/- on Shri D.P. Singh, Superintendent (Designated Officer) and Rs. 2000/- on Shri Ravinder Singh, Senior Assistant, Estate Branch, Municipal Corporation, Chandigarh. Out of the above mentioned amount of penalty, 50% is ordered to be paid to the applicant, Ms. Shivani Devi.

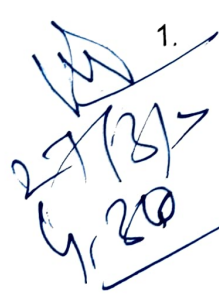

Dr. Mahavir Singh, IAS (Retd.)
Chief Commissioner

To


1. Sh. D.P. Singh, Superintendent (Estate Branch)-cum-
Designated Officer, Municipal Corporation
Chandigarh

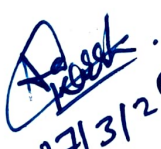

2. Sh. Ravinder Singh, Senior Assistant
Estate Branch, Municipal Corporation,
Chandigarh

Copy is forwarded for information and necessary action to:-


1. Sh. Amit Kumar, IAS Commissioner, Municipal Corporation, Chandigarh-
cum-Second Appellate Authority (under the Right to Service Act); for
recovery of penalty from the above said officials namely Sh. D.P. Singh,
Superintendent and Sh. Ravinder Singh, Senior Assistant (Estate Branch),
Municipal Corporation Chandigarh and payment of compensation to the
applicant, he may refer to 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


Ms. Shashi Vasundhra, HCS, Joint Commissioner, Municipal Corporation,
Chandigarh-cum-First Appellate Authority (under the Right to Service Act);

3. Ms. Shivani Devi W/o Sh. Sanjeev Kumar, House No. 2, Govt.
Homeopathic Dispensary, Sector 27-A, Chandigarh


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