

Chandigarh Right to Service Commission

(Chandigarh Administration)

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No. PS/CRTSC/2025/ 197-200

Dated: - 26/09/2025

Petition No. 24 of 2025-2026

Ms. Deepa Duggal and Ms. Guneeta Grover

Vs.

**Assistant Estate Officer-cum-Designated Officer
(under the Right to Service Act), office of Estate Officer, UT, Chandigarh**

ORDER

Whereas, a complaint/application dated 22.06.2025 was received in the Chandigarh Right to Service Commission via e-mail, from Ms. Deepa Duggal and Ms. Guneeta Grover, in which they have stated as under:-

"We, Deepa Duggal and Guneeta Grover, are writing to express our concern regarding the unjustified and prolonged delay in the processing of our application submitted to the Estate Office, UT Chandigarh, for the transfer of 50% share in our residential property bearing No. RP 2365, as House No. 305, Sector 9D, Chandigarh.

The said property was originally owned 100% by Deepa Duggal, who transferred 50% ownership share to her daughter Guneeta Grover through a registered family transfer deed. Accordingly, we submitted an application for mutation/transfer to the Estate Office vide Application No. 502169 dated 27.01.2021, and the target date for disposal mentioned was 01.03.2021.

Since then, the Estate Office has asked us to submit additional documents and clarifications from time to time, all of which we have promptly and fully complied with. However, even after more than four years, we have not received any formal decision or substantive communication regarding the status of the application.

We have also filed multiple RTI applications seeking updates and file status, but the Estate Office has failed to respond to any of them. All communications and documents are part of the official file, which may kindly be reviewed by your office.

This delay is now causing us serious hardship, as we intend to apply for a joint loan against the property but are unable to do so due to the pending transfer.

We, therefore, humbly request your kind and urgent intervention to direct the Estate Office to immediately process and dispose of our long-pending application in accordance with law and the Right to Service provisions".

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2. As per Sr. No. 52 of the list of Services, *'Transfer on any basis e.g. intestate death/registered/un-registered Will/Court Decree/ family settlement, etc. where issuance of Public Notice is required (un-contested). Change of Ownership on any basis e.g. interstate death registered/un-registered Will/Court Decree/family settlement etc. on application after Public Notice (Un-contested)'* was required to be provided to the applicants **within a period of 40 working days** from the date of submission of application. But the Designated Officer failed to provide the service to the applicants since 27.01.2021 (for more than 04 years), till the date of submission of application in the Commission.
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, as extended to the Union Territory of Chandigarh, 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/2025/112-115, dated 25.06.2025. He was also directed to appear (in person) before the undersigned on 4th July, 2025 alongwith complete record of the case as well as reply to the notice. The applicants, Ms. Deepa Duggal and Ms. Guneeta Grover were also directed to be present (in person) in the Chandigarh Right to Service Commission on the above said date.
4. The case was heard on 4th July, 2025. Ms. Guneeta Grover, one of applicants and Sh. Naveen Rattu, Assistant Estate Officer-(I)-cum-Designated Officer were present. The Designated Officer submitted a written reply to the Show Cause Notice which was taken on record.
5. During the course of hearing Ms. Guneeta Grover, one of the applicants stated that she applied for transfer of 50% share of House No. 305, Sector 9-D, Chandigarh (RP 2365) in her name on the basis of registered family transfer deed made by her mother, Ms. Deepa Duggal on 27.01.2021, but the service has not been provided to her till date by the Designated Officer.
6. The Designated Officer stated that the original file in respect of the house, in question, was seized by the CBI on 14.12.2015 in case No. RCCHG2015A0025, and submitted a copy of Seizure Memo to the Commission. Further, he made available a copy of letter dated 21.10.2021 written by the Estate Office, UT Chandigarh to the Deputy Supdt. of Police, CBI, ACB, Sector 30, Chandigarh, vide which a request was made to the CBI authorities that if the original

record, in question, is no longer required, then the same may be supplied to the office so that the transfer application may be processed. The Designated Officer also submitted a photocopy of letter dated 29.10.2021 of the CBI authorities in which it was mentioned that the file in question has been submitted in the Hon'ble Court of Spl. Judge CBI, Chandigarh in original as documentary evidence in respect of the concerned case.

7. In view of the above, the Commission asked the Designated Officer that when the application for transfer was submitted in the Estate Office in the month of January, 2021, then why, a period of 10 months was taken to send a communication to the CBI Authorities. The Commission further enquired from the Designated Officer as to why the information received from the CBI authorities was not brought to the notice of the applicant. The Designated Officer admitted that this was a lapse on the part of the concerned officials of the Estate Office and assured that action would be taken against the erring officials. The Commission directed the Designated Officer to take immediate necessary action against the guilty officials of the Estate Office and send the Action Taken Report to the Commission. Further, to ascertain the delay on the part of other officials of the Estate Office, the Designated Officer was directed to submit a copy of the noting sheets of the file on which the present request of the applicants was dealt with. The Designated Officer further stated that now vide letter dated 27.06.2025 it has been informed to the applicants that their request for transfer of ownership to the extent of 50% share on the basis of transfer deed stands rejected as the original record file of the property, in question, is lying with the Hon'ble Court of Special Judge, CBI, Chandigarh as a documentary evidence. He also stated that the applicants have been requested to furnish clearance from CBI, ACB, Chandigarh. The applicant contradicted the version of the Designated Officer stating that no such communication has been received by them till today. On the directions of the undersigned, a copy of the above referred letter was handed over the applicant.

8. On examining the photocopies of the noting sheets supplied by the Designated Officer, it has been found that Shri Shiv Kumar, Senior Assistant was responsible for a delay of 62 days (on different occasions) in putting up the file to his senior officials, which led to a considerable delay in providing the service to the applicant by the Designated Officer. This lapse on the part of Shri Shiv Kumar, Senior Assistant was viewed seriously by the Commission, it being against the spirit of the Right to Service Act.

9. 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, as extended to the Union Territory of Chandigarh, called upon the said Shri Shiv Kumar, Senior Assistant of the Estate Office, UT, Chandigarh 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 vide Suo Moto Notice bearing No. PS/CRTSC/2025/159, dated 05.08.2025. He was also directed to appear before the undersigned on 19th August, 2025 alongwith complete record of the case as well as reply to the notice.

10. The case was heard on 19.08.2025. Shri Shiv Kumar, Senior Assistant was present and submitted his written reply to the Show Cause Notice, which was taken on record. None was present on behalf of the applicants. The extract of the written statement of Shri Shiv Kumar, Senior Assistant, as under:-

"That in para number 06 of the said notice it has been mentioned that transfer of any basis e.g. intestate death/registered/un-registered Will/Court Decree/family settlement, etc. where issuance of Public Notice is required (un-contested), change of ownership on any basis e.g. intestate death registered/un-registered Will/Court Decree/family settlement etc., on application, after Public Notice (Un-contested)' enlisted at Sr. No.52 of the Chandigarh Administration's Notification No.28/67/1-H(11)-2022/3946 dated 08.03.2022 is required to be provided to any applicant within a maximum period of 40 working days from the date of submission of application.

In this regard, it is pertinent to mention here that the present case is contested and as per RTS timeline, the time period should be deemed to be extended for another 60 days in case any objection is received at any stage or court case is involved and in the present case, the litigations were involve/pending.

That regarding delay of 62 days (on different occasions), on the part of undersigned as observed by the Hon'ble Commission, it is respectfully submitted that the undersigned being Assistant has to deal with the various court cases such as preparation of written statement, vetting of the same from Legal Cell as well as concerned ADA's, District Attorney's, to file the replies of official court cases before the Hon'ble Courts such as Court of Chief Administrator, Adviser to the Administrator(now Chief Secretary), District Courts, Hon'ble High Court, Hon'ble Supreme Court etc. and also to file defence evidence before the District Courts. Furthermore,

the file in question was dealt by the undersigned for 10-12 times and to deal the file in 10-12 times the undersigned has taken around 39 days only till August 2022 i.e. during my tenure of posting in the Branch despite that the present case of peculiar nature and original file was seized by CBI and the same had been submitted before the Hon'ble Special Judge, CBI Chandigarh by the CBI, ACB, Chandigarh. It is further submitted that the detail of chronology/event of the file in question dealt with by me is enclosed as Annexure R/4 which shows that there is no delay on the part of me.

In view of the factual position as explained herein before, it is respectfully prayed that the Notice bearing No. PS/CRTSC/2025/159 dated 05.08.2025 issued to me may kindly be filed in the interest of natural justice and equity".

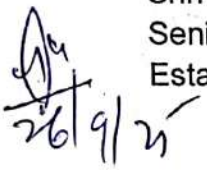
11. The Commission asked Shri Shiv Kumar to explain and show the case, if any pending in any Court of law regarding the present request of the applicants for transfer of 50% share, but he failed to show any such case and simply stated that the file was seized by the CBI and therefore, the case is contested one. This version of Shri Shiv Kumar is not tenable because such cases can only be considered as the contested case where there is a specific dispute or court case regarding the claim of title. In the instant case, the file was seized by the CBI in connection with some other case which is not related to the transfer of 50% share. Further, the version of Shri Shiv Kumar regarding delay of only 39 days on his part instead of 62 days can't be considered as logical/reasonable. Moreover, in case the version of 39 working days (excluding the period of leaves taken by him) is considered, then also, the official can't be given any benefit under the provisions of the Acts *ibid*. In this case, he could have simply informed the applicants that the file relating to their property has been seized by the CBI and the action on their request can only be taken as and when the file is received back in the Estate Office.

12. Therefore, as per provisions of Section 2 (h) of the Punjab Right to Service (Amendment) Act, 2014, as extended to the Union Territory of Chandigarh, the undersigned holds Shri Shiv Kumar, Senior Assistant, office of Estate Officer, UT, Chandigarh guilty of not taking in time action in the matter due to which the Designated Officer failed to intimate the exact position regarding seizure of their original allotment file by the CBI, ACB Branch to the applicants within the stipulated time-limit, and therefore, the purpose of Right to Service Act for which it is enacted, has been defeated. Accordingly, to meet with the requirements of justice, I, being the



Chief Commissioner, Chandigarh Right to Service Commission, hereby, impose a penalty of Rs.3000/- on the abovesaid Shri Shiv Kumar, Senior Assistant office of Estate Officer, UT, Chandigarh.


Dr. Mahavir Singh, IAS (Retd)
Chief Commissioner

To


Shri Shiv Kumar,
Senior Assistant,
Estate Office UT, Chandigarh;

Copy is forwarded for information and necessary action to:-

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1. Sh. Nishant Kumar Yadav, IAS, Estate Officer-cum-Second Appellate Authority (under the Right to Service Act), UT, Chandigarh for recovery of penalty from Shri Shiv Kumar, Senior Assistant. For recovery of penalty, 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. A copy of the order imposing the penalty of recovery on the above said Shri Shiv Kumar, Senior Assistant also be sent to the Commission in due course of time.
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2. Shri Naveen Rattu, DANICS, Assistant Estate Officer-cum-First Appellate Authority (under the Right to Service Act, UT, Chandigarh, for sending the action taken report as assured by him and mentioned in para 7 of this order to the Commission, immediately
3. Ms. Deepa Duggal and Ms. Guneeta Grover (through e-mail).