

**BEFORE THE COMMISSIONER-CUM-REVISIONAL AUTHORITY
CHANDIGARH RIGHT TO SERVICE COMMISSION**

(Nagar Yojana Bhavan, C- Wing, Sector 18-A, Madhya Marg, Chandigarh -160018)
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Revision Petition No. 09 of 2020

Col. Harkirat Singh

Vs.

**Designated Officer-cum-Assistant Estate Officer &
other concerned officers/ officials of the Estate Office**

ORDER

This is a Revision Petition filed by Col. Harkirat Singh (hereinafter referred to as the 'petitioner') under Section 10 of the Punjab Right to Service Act, 2011 and the Punjab Right to Service (Amendment) Act, 2014 as extended to the UT of Chandigarh by the Ministry of Home Affairs, Government of India, vide Notification no. G.S.R. 1015(E) dated 14th August 2017 (hereinafter referred to as the 'Act') read with Rule 13 of the Chandigarh Right to Service Rules, 2019 against the orders dated 28.02.2020 passed by the Secretary Estates-cum-Second Appellate Authority under the said Act/Rules.

2. The Revision Petition was filed late, however, in view of the reasons/justification given by the petitioner, the delay was condoned and the Revision Petition was admitted vide this Commission's order dated 25.06.2020 and the case was fixed for 02nd July 2020 for regular hearing.

3. On the said date, the respondent Sh. Manish Kumar Lohan, Assistant Estates Officer-cum-Designated Officer appeared before the Commission when he was asked to state facts of the case based on records of the Estate Office. On his request, the case was finally adjourned to 14.07.2020 when he again



appeared and filed a detailed movement of the case file along with the names of his subordinate officials who had dealt with the file at various points of time.

4. Perusal of the detailed statement with regard to movement of the case file revealed that there had been considerable delay on the part of various officers/ officials at various points of time when the matter was under consideration of the Estate Office, with the result that the application of the petitioner filed on 11.04.2019 got finally disposed of on 14.03.2020 only, that is to say, after almost a period of 11 months, and that too, after intervention / orders of the Secretary Estates-cum-Second Appellate Authority. In other words, it seemed to be a fit case for invoking the penal provisions contained in Section 17(1)(d) and Section 17 (1) (h) of the said Act. However, before doing so, an opportunity of personal hearing was granted to all concerned, and the case was fixed for 24.07.2020 for next hearing.

5. On the said date, the respondent Sh. Manish Kumar Lohan, the Designated Officer-cum-Assistant Estate Officer, along with Sh. Surinder Pal Singh, Law Officer of the Estate Office, appeared before the Commission and filed his written submissions. His subordinate officials, being the other respondents in the case, also appeared on the said date and two of them filed their written submissions. The petitioner, Col. Harkirat Singh also appeared and filed his written submissions.

6. In his written as well as verbal submissions, the respondent Sh. Manish Kumar Lohan, the Designated Officer-cum-Assistant Estate Officer, supported by his Law Officer, Sh. Surinder Pal Singh, contended the admissibility and maintainability of the Revision Petition. He also tried to explain the reasons for



the inordinate delay which had taken place in passing the final orders with regard to transfer of property in favour of the petitioner. The case was adjourned to 29th July, 2020 to enable the petitioner to file his rebuttal and counter-arguments, if any.

7. On the said date, i.e. 29th July 2020, both the petitioner as well as the respondent(s) appeared before the Commission at the appointed time. The petitioner filed some written submissions to counter the written and verbal submissions / arguments of the respondent(s), particularly with regard to admissibility and maintainability of his Revision Petition. However, vide last para of his written submissions, the petitioner also made the following prayer:

"In the light of the issues of interpretation of statutory/ administrative provisions raised by the worthy Law Officer on behalf of the Estate Office, I humbly seek the Hon'ble Commissioner's permission to withdraw the instant Petition with liberty to file afresh before the appropriate forum."

8. Although, written submission of both the parties are on record and also I have heard the arguments and counter-arguments of both the parties, yet in view of the prayer made by the petitioner that he would like to withdraw the instant petition, I do not see any point in going into details with regard to merits of the case.

9. The Revision Petition filed by the petitioner Col. Harkirat Singh is therefore dismissed as withdrawn, with liberty to file afresh as per law before an appropriate forum.

10. Orders accordingly.

Dated : 31.07.2020



K.K. Jindal, IAS (R)
Commissioner