



**HARYANA VIDHAN SABHA**

**COMMITTEE ON PETITIONS**

**( 2020-2021 )**

**(TENTH REPORT)**

**REPORT**

**on**

**Various Petitions/Representations received by  
the Committee**



**(Presented to the House on 18th March, 2021)**

**HARYANA VIDHAN SABHA SECRETARIAT  
CHANDIGARH  
2021**

## TABLE OF CONTENTS

|   | Page No |
|---|---------|
| Composition of Committee on Petitions   | m       |
| Introduction  | v       |
| <b>Sr No</b>  |         |
| <b>Petitions/Representations Received from</b>  |         |
| 1 Shri Raj Kumar & other residents of H No 1 Jammu Colony B<br>Near Camp Yamunanagar  | 1 2     |
| 2 Shri Rajinder Panchal XEN/Works DCRTTP HPGCL Yamunanagar  | 2 10    |
| 3 Shri Ramesh Chand Yaduwanshi S/o Sh Dhanraj Singh VPO Banswa<br>Tehsil Hodal District Palwal                                | 10-25   |
| 4 Shri Sushil Kumar & others of New gram Market Partap Nagar<br>Khjrabad  | 25 26   |
| 5 Sh Om Parkash S/o Late Sh Hari Singh H No 417<br>Sector 6 Bahadurgarh VPO Chhapra Tehsil Gohana Sonapat                     | 26-29   |
| 6 Shri Rajbir Singh Kadian Retired Principal H No 1868<br>Sector-3 Rohtak   | 30-53   |
| 7 Shri Virender Singh H No 164/1 Gali No 1 Krishna Nagar<br>Model Town, Rewari & others                                       | 53 56   |
| 8 Resident Welfare Association President D P Yadav B 55<br>Ansal Town Rewari & others   | 56-59   |
| 9 Smt Rajshree Mother of Sh Manoj Khandelwal H No 851/25<br>Prabhu Nagar Sonapat  | 59-60   |
| 10 Shri Sumit Kumar NIS qualified Handball Coach (Girls)<br>DAV Police Public School Adjoining Jail Complex Sunarian, Rohtak. | 61-63   |
| 11 Smt Maya Devi D/o Sh Jagbir Singh and others Village Ajronda<br>Sector 15A Faridabad                                       | 63-66   |
| 12 Sh Sushil Kumar S/o Sh Deep Chand Village Khadri<br>District Yamunanagar & others  | 66-67   |
| 13 Sh Jai Parkash, Sarpanch & others Village Khatiwas District Jhajjar  | 67-69   |
| 14 Sh Ramesh Kumar S/o Sh Ishwar & others Village Khatiwas<br>District Jhajjar  | 69 71   |
| 15 Sh Ramesh Kumar S/o Sh Ram Kishan Sami Village Sohna Dhan<br>PO Sohna District Gurugram                                    | 71 72   |

(iii)

**COMPOSITION OF THE COMMITTEE ON PETITIONS  
(2020-2021)**

**CHAIRPERSON**

|   |                         |             |
|---|-------------------------|-------------|
| 1 | Shri Ghanshyam Dass MLA | Chairperson |
|---|-------------------------|-------------|

**MEMBERS**

|   |                             |        |
|---|-----------------------------|--------|
| 2 | Smt. Geeta Bhukkal MLA      | Member |
| 3 | Smt. Shakuntla Khatak, MLA  | Member |
| 4 | Shri Laxman Singh Yadav MLA | Member |
| 5 | Shri Sanjay Singh MLA       | Member |
| 6 | Shri Ram Niwas MLA          | Member |
| 7 | Shri Balraj Kundu MLA       | Member |

**SPECIAL INVITEE**

\*8 Shri Jagbir Singh Malik, MLA

\* Vide Notification No HVS/Petition/01 2020 21/55 dated 27th July 2020  
The Hon'ble Speaker has been pleased to nominate Shri Jagbir Singh Malik MLA to  
serve the Committee on Petitions as a Special Invitee for the remaining period of the year  
2020-21

**SECRETARIAT**

|   |                                      |
|---|--------------------------------------|
| 1 | Shri Rajinder Kumar Nandal Secretary |
| 2 | Shri Vishnu Dev, Under Secretary     |

## **INTRODUCTION**

1 I Ghanshyam Dass Arora Chairperson of the Committee on Petitions having been authorized by the Committee in this behalf present this Tenth Report of the Committee on Petitions on the various Petitions/Representations received by the Committee

2 The Committee considered all the Petitions/Representations as per the details given in the Report and examined the concerned Government Officers The Committee made its observations and has tried its level best to redress the grievances of the Petitioners/Applicants to the maximum extent

3 The Committee considered and approved this report at its sitting held on 23rd February 2021

4 A brief record of the proceedings of the meetings of the Committee has been kept in the Haryana Vidhan Sabha Secretariat

5 The Committee would like to express their thanks to the Government Officers and other representatives of various departments who appeared for oral evidence before them for the cooperation in giving information to the Committee

6 The Committee is also thankful to the Secretary Under Secretary and other Officers/Officials of Haryana Vidhan Sabha Secretariat for their whole hearted cooperation and assistance given by them to the Committee

Chandigarh  
The 23rd February 2021

**(GHANSHYAM DASS ARORA)**  
**CHAIRPERSON**

## **REPORT**

The Committee on Petitions for the year 2020-21 consisting of seven Members was nominated by the Hon'ble Speaker Haryana Vidhan Sabha on 3rd June 2020 under Rule 268 of the Rules of Procedure and Conduct of Business in Haryana Legislative Assembly. Shri Ghanshyam Dass, MLA, was nominated as Chairperson of the Committee by the Hon'ble Speaker. One special invitee was also nominated by the Hon'ble Speaker to serve on this Committee.

The Committee held 40 sittings during the year 2020-21 (till finalization of the Report).



**1 PETITION/REPRESENTATION RECEIVED FROM SHRI RAJ KUMAR & OTHERS, RESIDENTS OF YAMUNANAGAR, REGARDING APPLICATION FOR REINSTATE OF OLD AGE PENSION, WHICH READS AS UNDER -**

सेवा मे

चेयरमेन  
पेटिशनियन कमेटी  
हरियाणा विधानसभा

विषय वृद्धावस्था सम्मान भत्ता बहाल करने हेतु प्रार्थना पत्र।  
श्रीमान् जी

हम निम्न हस्ताक्षरी आपका ध्यान इस विषय पर केन्द्रित करना चाहते हैं कि हमारा वृद्धावस्था सम्मान भत्ता जिला कल्याण अधिकारी द्वारा जून 2016 से रोक दिया गया था। कारण जानने पर ज्ञात हुआ कि हम EPS Pension Scheme 1995 के अन्तर्गत कुछ धन राशि EPFO से पेंशन के रूप में प्राप्त कर रहे हैं जिस पर कोई और अन्य सुविधा जैसे कि HRA/DA/Medical का प्रावधान नहीं है। वास्तविकता यह है कि जिन व्यक्तियों का यह सम्मान भत्ता बन्द किया गया है उनकी कुल सख्या पूरे जिला यमुनानगर मे लगभग 74 है। EPS Pension Scheme जो 1995 में लागू की गयी थी। इस प्रावधान के अनुसार कर्मचारी वर्ग के वेतन में से 8.33% कट कर PF Organisation के पास जमा होता रहता है जो कि 58 वर्ष की आयु के पश्चात अल्पराशि के रूप में (लगभग 1000 से 2000 रुपये) कर्मचारी को प्रतिमास मिलते हैं।

श्रीमान् जी यहाँ यह नोटिस मे लाना उचित होगा कि जो सरकारी मुलाजिम नौकरी से VRS लेने के बाद प्राईवेट आर्गेनाइजेशन मे 58 वर्ष की उम्र तक काम करते हैं उन्हें सरकार से भी पेंशन मिलती है और EPFO से भी अल्पराशि के रूप मे लगभग 1000 रुपये से 2000 रुपये प्रति मास मिलते है।

हम धन्यवादी हैं आपकी सरकार के जो सम्मान भत्ता मजूर किया गया था वह बुजुर्गों की माली हालत को मददेनजर और पारिवारिक मैम्बरों के असहयोग की वजह से दिया गया था। अब इस अवस्था में आकर यह सम्मान भत्ता बद करने से वृद्धजनों को कितनी परेशानी उठानी पड़ रही है इसका अनुमान सहज ही लगाया जा सकता है।

हमने अपनी यह समस्या कई बार निदेशक समाज कल्याण जिला समाज कल्याण अधिकारी स्थानीय विधायक व आपकी सेवा मे भी प्रषित की परन्तु यह सम्मान भत्ता अभी तक जो जून 2016 से रोक़ा गया है जारी नहीं किया गया है।

अत हमारी आपसे करबद्ध प्रार्थना है कि हमारी समस्या के उचित समाधान के लिये समाज कल्याण विभाग को निर्देश दे। हमे आशा है कि हमारा वृद्धावस्था सम्मान भत्ता शीघ्र ही जून 2016 से बहाल किया जायेगा।

धन्यवाद सहित।

समस्त प्रार्थीगण

—हस्ता—

(राज कुमार)

H NO 1, Jammu Colony B  
Near Camp Yamuna Nagar 135001  
Mob No 94664 64510  
एव निम्न हस्ताक्षरी



The Petition/Representation was placed before the Committee in its meeting held on 04 01 2020 and the Committee considered the same and decided that said petition/representation be sent to the concerned department for sending their comments/reply within a period of 15 days. The Committee does not receive any comments/reply from the department. Thereafter, Committee orally examines the departmental representatives and Petitioner/Applicant in its meeting held on 11 02 2020.

After discussion with the departmental representatives, it is held that the matter was decided by the Punjab & Haryana High Court and no relief was granted to the petitioner/applicant in this matter. After considering the facts, the Committee has decided that the petition/representation is disposed of accordingly in its meeting held on 11 02 2020.

**2 PETITION/REPRESENTATION RECEIVED FROM SH RAJINDER PANCHAL, XEN/WORKS, DCRTTP, HPGCL, YAMUNANAGAR, REGARDING PETITION AGAINST, INJUSTICE IN THE NAME OF COMPLAINT TO HON'BLE C M, HARYANA, REGARDING THEFT OF COPPER LINKS FROM HPGCL STORE, DCRTTP, YAMUNANAGAR BY SH LALIT SAINI R/O YAMUNANAGAR, WHICH READS AS UNDER**

To

The Hon'ble Chairperson  
Petition Committee  
Haryana Vidhan Sabha Secretariat  
Sector 1 Chandigarh.

**Subject Petition against injustice in the name of complaint to Hon'ble CM, Haryana regarding theft of copper links from HPGCL Store, DCRTTP, Yamunanagar by Sh Lalit Saini, R/o Yamunanagar**

Respected Sir

In subject cited matter, it is submitted that the above complaint was not resolved in proper and fair manner and I became victim of CM complaint grievance system.

Investigation established that "copper links under store codes GT010009=40 and GT-01001=32 i.e. 72 no. amounting to ₹ 1,82,740/- were stolen."

On the basis of investigation report, I along with AEE/store and store keeper were held responsible. 3 no. charges vide CE/Admn HPGCL Panchkula memorandum no 83/HPGCL (Conf-461) dated 04 07 2014 were alleged on me. Two no. charges were dropped. In 3rd charge, Sh Sanjeev Gupta, then SE/M&T DCRTTP, appointed as Inquiry Officer, in his findings stated "The transactions of misplaced copper links were carried out before joining of Sh Anil Kumar, as AEE/Stores



**The SMB of all the links were done on 06 03 2009 and the stock position of copper links under store codes GT 010009 and GT 010011 was nil and the same were issued long before joining of Sh Anil Kumar, AEE in stores" i.e before 25 02 2012**

On 20 10 2015 based on above enquiry report the then MD/HPGCL decided the subject cited charge as per HPGCL regulation in the following manner

**XEN 10% recovery of theft amount as per regulation**

**AEE/Store From 40% to Nil as per above inquiry report**

**Store Keeper 40% recovery of theft amount as per regulation**

**Security staff 10% recovery of theft amount as per regulation**

In compliance to above MD's decision the charges against Sh Anil Kumar then AEE/Store were dropped vide order on dated 21 10 2015 with no recovery and the charge of Store Keeper was dropped on dated 16 08 2016 after 40% recovery only

However Director/Finance did not agree for waiver in compliance to MD's decision and proposed to redistribute the entire 40% recovery amount (i.e ₹73096/-) attributed to AEE/Store amongst the XEN, Store keeper and security staff

Also LR/HPU also was not agree with re distribution and she advised that "amount of ₹73096/- (40% as per regulation from AEE) may be written off provided there is no direct involvement of officer concerned. The said amount may not be re distributed among other employees as it will enhance their liability which may be against spirit of instructions regarding allocation of proportionate liability. However an administrative decision as deemed fit in the circumstances may be taken by the competent administrative authority."

Subsequently Worthy MD/HPGCL 01 06 18 ordered to increase my recovery of theft amount from 10% to 50% with stoppage of Two Annual Increments without cumulative effect. This is gross injustice to me and against the regulation of HPGCL.

The fact of the case is that as per rule account of copper links is maintained in store Department as well as in Account Department. To my unfortunate enquiry officer as well as account investigating officer did their job casually and not examined the account record before submitting their reports. However if Account record is examined the truth/fact of the case are as below

On dated 06 03 2009, 72 no copper links were received under Code GT 010009 & GT 010011

No transactions of misplaced copper flexible links were carried out before joining of Sh Anil Kumar as AEE/Stores. At the time of joining of Sh Anil Kumar i.e on 25 02 2012 the stock position under code GT 010009 & GT 010011 was 40 & 32 resp i.e total 72. He has approved & issued 05 no copper links of GT 010009 but did not enter this transaction under relevant stock cards. If the transactions would have been made the stock balance would become 35. Thereafter, 67 (35+32) copper links were theft not 72. The balance quantity 5 indicates that HPGCL has made recovery of 40 no copper links of Code GT 010009 against 35 nos balance.

From above facts it is evident that only 67 no copper link were theft and that too after joining of Sh Anil Kumar who is custodian of the theft material at





that time Thus finding of inquiry is not true Therefore, for fair justice, it is prayed that MD/HPGCL order dated 01 6 18 may kindly be quashed However, being administrative in charge of store, as per HPGCL regulation, 10% recovery of theft amount, as proposed vide MD/HPGCL order dated 20 10 15 for 67 no copper links may be recovered from me

Thanking you

Yours sincerely

Sd  
Rajinder Panchal  
XEN/Works DCRTTP  
HPGCL Yamunanagar

The Petition/Representation was placed before the Committee in its meeting held on 23 12 2019 and the Committee considered the same and decided that said petition/representation be sent to the concerned department for sending their comments/reply within a period of 15 days The Committee orally examine the departmental representatives and petitioner/applicant in its meeting held on 15 01 2020 and department submit its reply which reads as under

**Subject Regarding- Petition against injustice in the name of complaint to Hon'ble CM, Haryana, regarding theft of copper links from HPGCL Store, DCRTTP, Yamunanagar by Sh Lalit Sami R/o Yamunanagar**

1 A complaint dated 22 07 2013 addressed to Hon'ble CM Haryana was made by Sh Lalit Sami Y/Nagar alleging

- i theft of copper links amounting to Rs 4 5 Lacs occurred 4 5 months before
- ii regular theft of diesel mobil oil etc and
- iii recording false attendance of Smt Radha Rani Helper and Sh Rajiv Kumar Peon

2 As per directions of the competent authority CE/DCRTTP HPGCL was asked to examine the matter CE/DCRTTP forwarded the report on 09 09 2013 in which he agreed with the report of the then SE/M&T DCRTTP, Yamunanagar The conclusion of the report is submitted as under

"It has been observed that the SR no 16/2 dated 09 04 2010 (2 sets flexible copper link-40 pcs) has been tempered and SR no 31/8 dated 13 07 2010 (vide which 2 sets offlexible copper link 32 pcs has been issued) does not belong to XEN/EMD II, the end user XEN/Stores could also not produce the copy of above SR Entry in the stock cards of the stores has been made on the basis of above said SR and balance is shown as nil The above tempering has been done to cover up the shortages of flexible copper links by the concerned officials "

CE/DCRTTP while forwarding the report has also recommended that

- 3 I fully agree with the findings of the SE/M&T My observation in this regard is that the officer/officials of the store have tampered with the record in regard to the Flexible Copper Links and Attendance Register of Smt Radha Rani Helper & Sh Rajiv Kumar Peon which vindicate the contents of the complaint
- 4 It is proposed that matters needs to be probed by investigating agency in detail to pinpoint the delinquent officer/official & to ensure that no such impropriety has been made in other records of store May also consider the transferring of XEN/Store for fair investigation '

3 On the recommendations of CE/DCRTPP the then XEN/Store DCRTPP i.e Sh Rajinder Panchal XEN was transferred from the post of XEN/Store DCRTPP to RGTTP, Hisar vide this office order no 697/HP G /G E 623 dated 15 10 2013 and CAO/H PGCL was asked to conduct a detailed enquiry CAO/H PGCL got the case investigated through Sh A K Bansal the then Sr AO/Audit Sr AO/Audit concluded in his report dated 13 01 2013 regarding copper links as under

"1 As per stock quantity card of Copper Flexible Links submitted to under signed there was a balance of 02 sets of 20X02 = 40 No Copper Links in stock code GT 10009 valuing to Rs 91370/ similarly there was also balance of 02 sets of 16 X 02 = 32 No Copper Links bearing stock code no GT 10011 valuing to Rs 91370/ which were not found in the store on physical verifications which shows the shortage of 72 No of copper links valuing to Rs 182740/ for which Sh Lalita Parshad ASK, Sh Anil Gabba AEE/Store & Sh R K Panchal XEN/Store is responsible besides this Sh Lalit Parshad Store Keeper is responsible for replacement of stock cards bearing stock code no GT 10009 and GT 1 0011 "

4 Subsequently the following chargesheets/Show cause notices were issued and they were asked to submit their replies on the same

- (i) Sh Rajinder Panchal XEN Charge Sheet dated 04 07 2014
- (ii) Sh Anil Kumar Gaba AEE( now XEN) Chargesheet dated 04 07 2014
- (iii) Sh Mukesh Kumar AEE Show Cause Notice dated 04 07 2014
- (iv) Sh Lalita Parshad, ASK was chargesheet dated 27 08 2014 (by CE/PTPS being cadre controlling authority)

5 On the replies of the delinquent officers CE/DCRTP submitted his parawise comments & recommended as under

- 1 In respect of Sh Rajinder panchal, XEN that

It reveals that he intentionally concealed the facts about the loss/shortage of Copper Links in O&M Store

It is recommended that charge sheet issued to Sh R K Panchal XEN may please be dropped with punishment by booking 50 50% amount of the cost of the copper links between Sh R K Panchal the then XEN/Store and Sh Lalita Parsad ASK/Store, DCRTPP '

- 11 In respect of Sh Anil Gabba, AEE (now XEN) -



**Sh Anil Gabba, AEE (now XEN)** has never caused any loss to the corporation, however a warning letter should be issued to **Sh Anil Kumar Gaba AEE** for remaining attentive and careful for signing any document in future

**111 In respect of Sh Mukesh Kumar, AEE (now XEN)**

There is no misappropriation of HSD and thus has not caused any loss to the corporation however a warning letter should be issued to **Sh. Mukesh Kumar AEE (now XEN)** for showing sheer negligence in maintaining and up keeping of all the records for the vehicles under his control

**1V In respect of Sh Lalit Parshad ASK**

It reveals that **Sh Lalita Parshad ASK** has concealed the facts about the loss/shortage of copper links in O&M Store

It is recommended that charge sheet issued to **Sh Lalita Parshad ASK** may please be dropped with punishment by booking 50 50% amount of the cost of copper links between **Sh Lalita Parshad ASK/Store DCRTPP** and **Sh R K Panchal the then XEN/Store"**

**6** After considering the charges replies of the officers & parawise comments of the CE/RTPP the Competent authority i.e Managing Director/HPGCL ordered to conduct a regular departmental enquiry in the case appointing **Sh Sameev Gupta** the then **SE/M& T DCRTPP** as the Inquiry Officer The office order was issued vide o/o no 120/HPG/GE 623 dated 16 02 2015

**7** Inquiry Officer **Sh Sanjeev Gupta SE/M&T DCRTPP** submitted his Enquiry report dated 31 07 2015 in the case concluding (in respect of Copper links) as under

'It was found that there is tempering in original SR ad duplicate SR and the above facts was accepted by **Sh Lalita Parsad ASK** as explained earlier The above tempering was done on the instruction **Sh R K Panchal XEN** and the copies of original SRs and tempered SRs are placed as the reply **Sh Anil Gaba AEE** Both the above Ss has not been approved by **SDO/XEN/Store**

- 11** Different copies of stock cards indicating consumption/ balance of flexible links were produced to 1st and 2nd enquiry officer
- 111** The cutting in the attendance register was done on instruction of **Sh R K Panchal XEN** as per the verbal statement of **Sh Anil Kumar Gaba AEE**
- VI** As per the statement of **Sh Lalita Parsad ASK** the tempering was done in the original SR of copper links as per the instruction of **Sh RK Panchal XEN**
- VII** The transactions of misplaced copper flexible links were carried out before joining of **Sh Anil Gaba** as **AEE/Stores** The SMB of all the links

were done on 06 03 2009 and the stock position of links under store codes GT 010009 and GT 010011 was nil and the same were issued long before joining of Sh Anil Gaba AEE in Stores '

8 Considering the above MD/HPGCL ordered to issue Sh Anil Gaba XEN/DCRTPP (the then AEE/Store DCRTPP) a warning letter which was issued to Sh Anil Gaba XEN/DCRTPP (the then AEE/Store DCRTPP) on dated 21 10 15

9 Regarding recovery in case of theft from store items the relevant instructions i.e office order no 714/CE/Admn dated 19 11 2009) is reproduced as under

' Whole Time Directors in its meeting held on 03 11 2009 has decided that the responsibility in case of shortage/theft of material from various stores in HPGCL would be as under

- |                    |      |
|--------------------|------|
| i) XEN             | 10%  |
| ii) AE/AEE         | 40%  |
| iii) Store Keeper  | 40%  |
| iv) Security Staff | 10%' |

10 Meanwhile Sh Lalita Parshad ASK (Retired) was issued letter of warning alongwith recovery of Rs 73 096/ i.e 40% of loss incurred by the corporation (by CE/PTPS being cadre controlling authority) vide order dated 16 08 2016

11 In this case a clarification was sought from the Inquiry officer regarding the name of regular AE/AEE working on that post when these links were issued or the name of AE/AEE store who was looking after additional charge of the said post (vide e-mail dated 19 10 2016) The Inquiry officer intimated vide his reply dated 26 10 2016 that as such no regular AE/AEE was posted to look after the charge of Store II

12 Considering the above Director/Technical HPGL recommended on 04 11 2016 that

"It is recommended to write off an amount of Rs 73096/ attributable to AE/AEE as no regular AE/AEE was posted and the work was being looked after by another AE in addition to his own duties "

13 However in this regard Director/Finance recommended on 18 11 2016 as under

"This might lead to a chain reaction among other officials/officers found guilty in this case. Moreover F&A wing officers work in additional charges quite often so this blanket clean cheat to all and sundry in additional charge will cause casual approach among all who are given additional charge at any point of time in their careers

If still it is felt that the items were stolen/disappeared before joining of the incumbent at 'A' above (\*referring to Sh Anil Gaba AEE) the case may be put up to WTDs with a view to re distribute the entire loss among other three officer/officials at 'X' (\*referring to Sh R K Panchal XEN Sh Lalita Parshad ASK and the Security staff) rather than



writing off full 40% and causing loss to HPGCL to the tune of Rs 73 096/ Since WTDs had decided in their meeting dated 03 11 2009 how to distribute the losses in such cases as mentioned at 'Y' on Np 51 they only are competent to revise this percentage in the light of peculiar findings of the case '

14 The case was then sent for advice of LR/HPU LR/HPU advised in this regard on 09 01 2017 as under

"It is advised that amount of Rs 73096 may be written off provided there is no direct involvement of officer concerned The said amount may not be re distributed among other employees as it will enhance their liability which may be against spirit of instructions regarding allocation of proportionate liability However an administrative decision as deemed fit in the circumstances may be taken by the competent administrative authority "

15 In this regard clarification dated 12 01 2017 was sought from the Inquiry officer to intimate whether there was direct involvement of AE/AEE (who were given the additional charge of DCRTTP store) in the missing of copper links Inquiry officer SE/M&T DCRTTP Yarmunanagar has replied on 13 01 2017 as under

"Refer to trailing mail it is intimated that there was no direct involvement of AE/AEE who were given additional charge of DCRTTP store in the missing of copper links and moreover, they did not sign the original and tempered SRs '

16 In view of the standing instructions regarding recovery in case of theft from store items has been issued by WTD HPGCL i.e office order no 714/CE/Admn dated 19 11 2009 WTD HPGCL in its 34th meeting was requested to review the case and WTD HPGCL decided in the case (dated 12 06 2017) that the responsibility of shortage/theft of material from DCRTTP Store in the present case be fixed in the ratio of 50 50% in case of delinquent XEN and Store Keeper and recovery may be effected

17 On the request of Sh R K Panchal XEN/DCRTTP he was allowed personal hearing by MD.HPGCL on 09 08 2017

18 After considering the case the competent authority decided on dated 09 10 2017 as under

" I have gone through the case file I am of the prima facie view that

- i A Show Cause Notice be issued to Sh R K Panchal Xen for inflicting punishment of stoppage of Two Annual Increments without cumulative effect, in addition to recovery of 50% of Rs 1 82 740/ loss incurred by the corporation (i.e amounting to Rs 91,370/ )
- ii A warning letter may be issued to Sh Mukesh Kumar AEE to be more careful in future
- iii The Charge Sheet in respect of Sh Lalita Parsad ASK be decided by the competent authority"

19 Accordingly

- i warning letter was issued to Sh Mukesh Kumar AEE/(Now XEN) Yamunanagar vide this office order dated 12 10 17

11 CE/PTPS 2 HPGCL Panipat was asked to take decision in case of Sh Lalita Parsad ASK vide this office memo dated 12 10 17

111 Sh Rajinder Panchal XEN /DCRTPP HPGCL Yamunanagar was issued Show Cause Notice vide this office memo dated 12 10 2017 before inflicting punishment and recovery

20 As requested in the reply of the officer to the show cause notice Sh Rajinder Panchal XEN was allowed personal hearing by Managing Director/HPGCL on 22 03 2018 After hearing the officer in person competent authority decided to confirm the above punishment Accordingly the office order of punishment was issued vide O/o dated 01 06 2018

21 Sh Rajinder Panchal, XEN appealed against the above punishment to ACS (Power) Govt of Haryana cum Chairman HPGCL He was heard by ACS (Power) Govt of Haryana cum Chairman, HPGCL on 14 09 2018 and 18 02 2019 twice (since before the decision on the appeal Chairman, HPGCL changed in the meanwhile) After considering his submissions his appeal was dismissed by Chairman HPGCL) on 26 04 2019 observing as under

"I have heard Sh Rajinder Panchal XEN in detail on 18 02 2019 during personal hearing I have carefully gone through the records of the case and the submissions made by the officer It is observed that multiple investigations and enquiries have been conducted in the case and tempering in the store records has been established which resulted loss to the Corporation After considering all material and facts of the case on records I do not find any merits in the appeal preferred by the officer

Accordingly the appeal of Sh Rajinder Panchal XEN against punishment awarded to him in the case is hereby dismissed "

22 The recovery from Sh Lalita Parshad ASK(Retired) has been revised from 40% loss to 50% of loss incurred by the corporation( by CE/PTPS being cadre controlling authority) vide order dated 22 08 19

23 Afterwards, Sh Rajinder Panchal XEN/DCRTPP also made a representation dated 16 08 2019 to Hon'ble CM Haryana to get the matter investigated regarding 'theft of 72 nos Copper links from HPGCL DCRTPP Yamunanagar Store' OSD/CM marked the above letter to ACS (power) cum Chairman, HPGCL on 16 08 2019 on the PUC as under

Put before Hon'ble CM Hon ble CM has directed the undersigned to forward the application in original to your August office with the directions of sending a report in this matter Forwarded for necessary action pl '

Considering his appeals, Sh Rajinder Panchal, XEN was again granted personal hearing by MD/HPGCL on 15 10 2019 and no new facts were brought out by the officer during the hearing

Accordingly a report in the matter was submitted to OSD/ CM(Grievances)Office vide this office memo dated 24 12 2019

24 Now, Sh Rajinder Panchal XEN/DCRTPP has submitted a petition dated 19 12 2019 to The Committee on Petitions of Haryana Vidhan Sabha



In view of the above the details of the case in reply to the petition filed by Sh Rajinder Panchal XEN are submitted for consideration of the Committee on Petitions of Haryana Vidhan Sabha with a request for disposing off the same

Sd

Chief Engineer/Admn  
HPGCL Panchkula

After discussion with the departmental representatives and petitioner/applicant the Committee made following observation in its meeting held on 23 06 2020 which reads as under -

### समिति की सस्तुति

समिति ने दिनांक 15 01 2020 को श्री राजेन्द्र पाचाल एक्सियन/वर्क्स डी०सी० आर०टी०पी०पी० एच०पी०जी०सी०एल० यमुनानगर द्वारा दी गई याचिका की सुनवाई करते हुए याचिकाकर्ता तथा विभागीय प्रतिनिधियों को अपने-अपने तर्क प्रस्तुत करने के लिए कहा। दोनों पक्षों के तर्क-वितर्क का गहनता के साथ विश्लेषण करने के उपरांत समिति ने पाया कि विभाग संबंधित विषय पर तीन बार पहले भी जाच-पड़ताल करवा चुका है। अतः संबंधित विषय पर श्री राजेन्द्र पाचाल द्वारा एक बार पुनः जाच-पड़ताल करवाने के आग्रह को किसी भी स्तर में तर्कसंगत नहीं माना जा सकता है। अतः समिति श्री राजेन्द्र पाचाल एक्सियन/वर्क्स डी०सी० आर०टी०पी०पी० एच०पी०जी०सी०एल० यमुनानगर द्वारा दी गई याचिका को डिसमिज ऑफ करने का निर्णय करती है।

The petition/ representation is dispose of accordingly in its meeting held on 23 06 2020

**3 PETITION/REPRESENTATION RECEIVED FROM SH RAMESH CHAND YADUWANSHI S/O SH DHANRAJ SINGH, V P O BANSWA, TEHSIL HODAL, DISTRICT PALWAL REGARDING REQUEST TO AMEND PROMOTION ORDER DATED 04 04 2011 IN RESPECT OF SHRI RAMESH CHAND YADUWANSHI, WHICH READS AS UNDER**

To

Shri Ghanshyam Dass  
MLA and Chairperson  
Committee on Petitions  
Haryana Vidhan Sabha  
Sector I Chandigarh 160001

Sub Request to amend promotion order dated 04 04 2011 in respect of Shri Ramesh Chand Yaduwanshi,

Respected Sir

That I would like to bring following facts to the notice of the Committee  
Case 1

1 The qualification for recruitment to the qualification for recruitment to the post of Lecturer in Computer Engineering as per Technical Education Department Service Rules 2001 Group B was as mentioned below

- (i) The qualification prescribed for the post of lecturer in Computer Engg is Bachelor Degree in Computer Engineering from recognized University  
or

1<sup>st</sup> Class Masters Degree in Computer Application or AMIE with 60% marks in aggregate in sections A & 'B' after passing three years diploma in Computer Engineering in I<sup>st</sup> Division

- (ii) knowledge of Hindi/Sanskrit upto Matric standard

2 An amendment in the Service Rules 2001 Group B was carried out by the Department of Technical Education Haryana and qualification for the post of Lecturer in Computer Engg as per amended rule is as under

- 1) I<sup>st</sup> class Bachelor degree in Computer Engineering/Computer Science and Engineering/Information Technology from a recognised University/Institute

OR

Associate Members of Institution of Engineering (India) by examination in Computer Engineering/Computer Science and Engg / Information Technology with 60% marks in aggregate in Sections A and B' after passing 3 years diploma in Computer Engineering/Computer Science and Engg /Information Technology in first division

- ii) Knowledge of Hindi/Sanskrit upto Matric standard

3 An advertisement no 01/2007 was released from the office of Member Secretary Board of Governor s Govt Polytechnic Education Society (GPES) Uttawar (Palwal) for the various post of lecturers in various discipline including computer engineering in the light of amended Service Rules 2001 Group B The advertisement contains the same qualification for the post of Lecturer in Computer Engg as mentioned in para 2 above

4 A number of candidates applied against the post of Lecturer in Computer Engg including one Shri Sandeep Kharab whose qualifications are described as under

(A) Educational qualification as per eligibility criteria (Academic & Professional)

| Sr No | Exam Passed | Year of Passing | Duration of Course | Subjects                                       | University/ Board | Divison | % of Marks |
|-------|-------------|-----------------|--------------------|--|-------------------|---------|------------|
| 1     | Matric      | 1995            | 1 Year             | English<br>Hindi Maths<br>S Science<br>Science | C B S E           |         | 59.4       |
| 2     | 10+2        | 1997            | 1 Year             | English<br>Physics<br>Chemistry<br>Maths Bio   | Do                |         | 61.6       |
| 3     | B Sc        | 2000            | 3 Year             | Physics,<br>Math Elx                           | M D U             |         | 62.34      |
| 4     | M C A       | 5/2004          | 3 Year             |  | Do                |         | 73.30      |





(B) Higher Qualification if any

| Sr No | Exam Passed | Year of Passing | Duration of Course | Subjects       | University/ Board | Divison | % of Marks |
|-------|-------------|-----------------|--------------------|----------------|-------------------|---------|------------|
| 1     | M Tech      | 12/2005         | 2 Year             | IASE Rajasthan |                   |         | 73 76      |

Perusal of academic qualification of Shri Sandeep Kharab reveals that he is in possession of MCA qualification

5 Shri Sandeep Kharab was selected to the post of Lecturer in Computer Engineering at Govt Polytechnic Education Society (GPES) Uttawar (Palwal) and he joined as such in the polytechnic on 06 08 2007. It is pertinent to mention here that Shri Sandeep Kharab was not in possession of required qualification for recruitment to the post of Lecturer in Computer Engg as per qualification mentioned in advertisement i.e. it is to say that he was not having the qualification as per amended rules.

6 It is further submitted that amendment in qualification to the post of Sr lecturer in Computer Engg was also carried out in the Group A service rules 1986 vide Govt letter dated 15 11 2007. The amended qualification and experience for promotion to the post of Sr Lecturer in Computer Engg is as under:

(i) Bachelor's degree in Computer Engineering/ Computer Science and Engg/ Information Technology from a recognized University/Institute

(ii) 8 years' experience as Lecturer in Computer Engineering /Programmer

7 Furthermore another amendment in Group A service rules 1986 was carried out by the Department which is reproduced as under:

"Explanation: The term experience as used here shall mean service rendered in the Department of Technical Education Haryana after regular appointment in the post."

Case 2

8 Shri Ramesh Chand Yaduwanshi had also applied for recruitment to the post of Lecturer in Computer Engg against the advertisement as mentioned in para 3 above and he was selected to the post of Lecturer in Computer Engg and joined as such at Govt Polytechnic Uttawar on 07 08 2007. He was junior to Shri Sandeep Kharab as per merit list drawn in case of Lecturer in Computer Engg of Govt Polytechnic Education Society Uttawar.

9 It is pertinent to mention here that Shri Ramesh Chand Yaduwanshi was working in Govt Polytechnic Education Society, Uttawar as Lecturer in Computer Engg on contract/adhoc basis with effect from 04 11 1997 to 25 07 2004. His service was terminated with effect from 26 07 2007.

10 The promotion case of Shri Ramesh Chand Yaduwanshi Lecturer in Computer Engg to the post of Sr Lecturer in Computer Engg at Govt Polytechnic Education Society Uttawar was considered by BoG of GPES Uttawar on 21 03 2011 against

vacant post of Sr Lecturer in Computer Engg which was lying vacant from the inception of the society i.e August 2006. He was promoted to the post of Sr Lecturer in Computer Engg vide Chairman BoG order dated 04/04/2011 along with Shri Sunil Kumar and Shri Raees Ahmed, Sr Lecturer in Computer Engg and some other senior lecturers of different disciplines. However he was given back dated promotion w.e.f 28/06/2010 on the strength of order of Hon'ble High Court in COCP no 838 of 2011.

11 Shri Sandeep Kharab Lecturer being aggrieved from the promotion order of Shri Ramesh Chand Yaduwanshi challenged the same in the Hon'ble High Court vide CWP Number 5965 of 2011 on the ground that he was senior to Shri Ramesh Chand in the seniority list of Lecturer in Computer Engg of Govt Polytechnic Education Society Uttawar. Hon'ble High Court vide order dated 03/05/2013 held that the promotion of Shri Ramesh Chand Yaduwanshi Sr Lecturer in Computer Engg in contrary to the rules and set aside and disposed of the petition. It is pertinent to mention here that Shri Yaduwanshi was not in possession of 8 years of regular experience for promotion the post of Sr Lecturer in terms of amendment carried out in service rules on 11/11/2008. It is relevant to point out that promotion of Shri Yaduwanshi was made by the BoG Uttawar on the basis of judgment and order passed in CWP number 21663 of 2008 Geeta Devi Vs State of Haryana in which it was held by the Hon'ble Court that the vacancy which created prior to amendment in rules are to be governed by the unamended rules and not by the amended rules. The experience gained by Shri Yaduwanshi while working on the post of lecturer in Computer Engg on adhoc/contract basis has been considered w.e.f 04/11/1997 to 25/07/2004 and 07/08/2007 to the date of consideration of promotion.

12 Shri Ramesh Chand Yaduwanshi filed an LPA no 960 of 2013 against the order of Hon'ble High Court dated 03/05/2013 in the High Court. The same was dismissed by the Hon'ble Court on 16/10/2018. The relevant part of the judgment is reproduced as under:

26 "It is by now a settled proposition of law that a candidate has the right to be considered in the light of the existing rules which implies the 'rule in force' on the date the consideration took place. There is no rule of universal or absolute application that vacancies are to be filled invariably by the law existing on the date when the vacancy arises. The requirement of filling up old vacancies under the old rules is interlinked with the candidate having acquired a right to be considered for promotion."

And the Hon'ble Bench of High Court concluded vide order dated 16/10/2018 that no error is found in the conclusion arrived at by the Ld. Single Judge in CWP number 5965 of 2011 decided on 03/05/2013.

13 Shri Yaduwanshi knocked the door of the Hon'ble Supreme Court and filed SLP number 1931 of 2019. The Hon'ble Supreme Court dismissed the same vide order dated 28/01/2019.

14 From the para 11, 12 and 13 the matter has attained finality and now it is the settled proposition that a candidate has the right to be considered in the light of the existing rules, which implies the "rule in force" on the date the consideration took place.



15 Further the Board of Governors GPES Uttwar vide order dated 12 12 2018 in compliance of decision 03 05 2013 of Hon'ble High Court in CWP no 5965 of 2011 The orders of Hon'ble High Court reverted Shri Ramesh Chand Yaduwanshi Sunil Kumar and Shri Raees Ahmed, Sr Lecturer in Computer Engg of GPES Uttwar to the post of lecturer in Computer Engg GPES Uttwar vide Chairman BoG order dated 08 12 2018 It is pertinent to mention here that Shri Sandeep Kharab Lecturer in Computer Engg GPES Uttwar has been promoted to the post of Sr Lecturer in Computer Engg by BoG GPES Uttwar vide order dated 12 12 2018 in compliance of the decision 03 05 2013 of Hon'ble High Court in CWP no 5965 of 2011 Further the promotion order of Shri Sandeep Kharab Sr Lecturer in Computer Engg was revised by Chairman BoG vide order dated 04 11 2019 w e f 06 08 2015

From the above it appears that sheer violation of service rules has been done by the Department both in recruitment of Shri Sandeep Kharab to the post of Lecturer in Computer Engg and promotion to the post of Sr Lecturer in Computer Engg because at the time of recruitment to the post of Lecturer in Computer Engg he was not in possession of required qualification as per rule in force as directed by Hon'ble High Court in its order dated 03 05 2013 His promotion to the post of Sr Lecturer in Computer Engg has also been made by the Department contrary to the rules in force because he is not having Bachelor's degree in

Computer Engg as required as per departmental service rules Group A 2007 (Amended) wherein it is essential to have Bachelor's degree in Computer Engineering/ Computer Science and Engg/ Information Technology from a recognized University/ Institute Hence his selection to the post of Lecturer in Computer Engg as well promotion to the post of Sr Lecturer in Computer Engg are contrary to the rules in force Further the qualification of MCA obtained by Shri Sandeep Kharab is through distance education mode Which is against the direction of Chief Secretary Haryana issued to all department vide letter dated 15 02 2018 Therefore appointment as lecturer as well as promotion of Shri Sandeep Kharab is ab initio invalid

16 It seems that Technical Education Department Haryana failed to consider the directions of the Chief Secretary Haryana issued vide letter dated 15 02 2018 and deliberately extended undue benefit of promotion to Shri Sandeep Kharab vide promotion order dated 12 12 2018 despite of the fact that he was not in possession of prescribed qualification of Bachelor degree in Computer Engineering and also failed to pass the test conducted by AICTE in first attempt in May 2018 The degree of M Tech of Shri Sandeep Kharab and all advantages stood suspended and withdrawn flowing therefrom i e from the initial appointment of the lecturer in terms of above directions of the Chief Secretary Haryana and resultantly his service is liable to be terminated

17 The act of the department for not restoring the promotion order of Shri Ramesh Chand Yaduwanshi for the post of Sr Lecturer in Computer Engg is highly discriminatory because the appointment to the post of Lecturer in computer Engg and promotion to the post of Sr Lecturer in Computer Engg in case of Shri Sandeep Kharab is ab initio invalid Hence reversion order dated 12 12 2018 issued in case of Shri Ramesh Chand Yaduwanshi Sr Lecturer in Computer Engg is required to be withdrawn and promotion order dated 04 04 2011 in case of Shri Ramesh Chand Yaduwanshi is



required to be amended as is done in the case of Sr Lecturers of other disciplines like Mechanical OMCA and Electronics Engineering Department issued vide order dated 06 08 2019

**18** In view of position explained in foregoing paras it is requested to amend promotion order dated 04 04 2011 in respect of Shri Ramesh Chand Yaduwanshi

Yours Faithfully

Sd

Ramesh Chand Yaduwanshi S/o Shri DHanraj Singh  
Village and PO Banswa  
Tehsil Hodal Distt Palwal  
Haryana 121107

The Petition/Representation was placed before the Committee in its meeting held on 04 01 2020 and the Committee considered the same and decided that said petition/representation be sent to the concerned department for sending their comments/reply within a period of 15 days The reply was received from the department which reads as under

To

The Secretary  
Haryana Vidhan Sabha  
Sector 1 Chandigarh

**Subject Regarding request to amend promotion order dated 04 04 2011 in respect of Sh Ramesh Chand Yaduwanshi**

Kindly refer to your letter No HVS/petition/14/672/19 20/1254 dated 15 01 2020 on the subject noted above vide which representation dated 11 12 2019 in respect of Sh Ramesh Chand Yaduwanshi was forwarded with the direction that comments in the matter may be sent to you In this regard the following is submitted as under

- 1 That the institute that is the Government Polytechnic Education Society Uttawar was initially established as Government Polytechnic Uttawar However, in 2006 the administration of the institute was converted into Government Society mode and the institute has now been run and managed by the Government Polytechnic Educadon Society Uttawar with effect from 23 November 2006 which is 100 per cent funded by the State Government As per the Bye laws of the Societies the Administrative Secretary of the Department of Technical Education Haryana is the



Chairman the Director General Technical Education is the Vice Chairman and the Principal of the each Polytechnic is Member Secretary of Board of Governors of the said Society It is also relevant to mention here that each Government Polytechnic running under the Societal mode has its own independent cadre of posts and seniority The services of employees of the society polytechnics are non transferable

- ii That in the year 2007 the recruitment on the various posts of Lecturer of Government Polytechnic Education Society Uttawar were made by the Selection Committee which was constituted as per the Bye—laws of Society as per qualifications laid down in the notified Service rules 2001 (Group B) and  
Shri R C Yaduwanshi and Shri Sandeep Kharb alongwith other were appointed as Lecturer in Computer Engineering on regular basis and they joined as such on 07 08 2007 and on 06 08 2007 respectively there
- iii That as per qualifications laid down in the notified service rules 2001 which are in force Shri Sandeep Kharb was having requisite qualifications i.e MCA degree for the post of Lecturer in Computer Engineering Further in regard to serial no 2 of the representation of Shri R C Yaduwanshi it is submitted that the amendments in service rules 2001 (Group B) were not made however the draft rules in 2007 were prepared but they were not notified by the Government
- iv That thereafter in the year 2011, the Board of Governors of Govt Polytechnic Education Society ( Uttawar district Palwal made the promotions to the post of Senior Lecturer in respect of Shri R C Yaduwanshi (Who stood at Sr No 4 in Seniority List of Lecturer) Shri Sunil Kumar (who stood at Sr No 2 in Seniority List of Lecturer) and Shri Rahish Ahmed (who stood at Sr No 3 in Seniority List of Lecturer) Lecturers of GPES Uttawar including other Lecturers by considering their adhoc/regular experience vide Govt order dated 04 04 2011 issued vide Endst No 713 718 dated 06 04 2011

| Sr No | Name of the incumbent (S/Sh )                             | Promoted as                             | Remarks  |
|-------|---|---|--|
| 1     | Sunil Kumar Lecturer in Computer Engg G P Uttawar         | Sr Lecturer in Computer Eng G P Uttawar | Against a vacant posts of Sr Lecturer in Computer Engg |
| 2     | Rahish Ahmed Lecturer in Computer Engineering G P Uttawar | Sr Lecturer in Computer Eng G P Uttawar | Against a vacant posts of Sr Lecturer in Computer Engg |

|   |  |   |   |
|---|--|---|---|
| 3 | R C Yaduwanshi Lecturer in Computer Engineering G P Uttawar        | Sr Lecturer in Computer Eng G P Uttawar           | Against a vacant posts of H O D in Computer Engg          |
| 4 | Keshi Ram Lecturer in Mechanical Engg G P Uttawar                  | Sr Lecturer in Mechanical Engg G P Uttawar        | Against a vacant posts of Sr Lecturer in Mechanical Engg  |
| 5 | Sanjiv Kumar Walia, Lecturer in Mechanical Engineering G P Uttawar | Sr Lecturer in Mechanical Engineering G P Uttawar | Against a vacant post of H O D Mechanical Engg            |
| 6 | Ashok Kumar Lecturer in Electronics Engineering G P Uttawar        | Sr Lecturer in Electronics Engg G P Uttawar       | Against a vacant posts of Sr Lecturer in Electronics Engg |

However the above promotions are made only against the posts those were available vacant on 11 11 2008 in Govt Polytechnic Uttawar as per Cadre Transferred vide notification no 38/27/2006 4TE dated 21 09 2006 of Government of Haryana from Government combined Cadre Polytechnic to Government Polytechnic Education Society for Government Polytechnic Uttawar running societat mode The above promotions shall subject to the final outcome of SLP no 10004 of 2010 file by the department of Technical Education Haryana in Geeta Devi case in the Hon ble Apex Court Further the promotion of Sh Keshi Ram in Mechanical Engineering will be subject to the condition of CWP No 17968/2010 titled as Sanjiv Kumar Walia Versus Chairman BOG Govt Polytechnic Education Society Uttwar The name of Sh Sandeep Kharab Lectrer in Computer Engineering who is at Sr No 1 in the graduation list of Lecturer in Computer Engineering was also considered Sh Sandeep Kharab does not fulfil the 8 years expetience as Lectures in Computer Engineering as per conditions laid down in the Approved Rules for Senior Lectures in Computer Engineering in the Technical Education Department Thus he has not been found suitable for promotion hence superseded in view of rule 9(2) of Haryana Technical Education Group A Service Rules It is further added vide Govt order issued vide Endst No 9837-44 dated 31 10 2011 that the date of promotion of Ramesh Chand Yaduvanshi Lectuter in Computer Engineering to the post of Senior Lecturer in Computer Engineering will be effective from 28 06 2010

v

That this promotion order dated 06 04 2011 was challenged by Sh Sandeep Kharb Lecturer in Computer Engineering of GPES Uttawar who stood at Sr No 1 in the gradation list of Lecturer, in this Hon'ble Court by filing a writ petition 5965 of 2011 titled as Sandeep Kharab Vs State of Haryana and others The same was disposed of and the promotion order dated 06 04 2011



was set aside by the single bench of this Hon'ble Court vide order dated 03 05 2013 with the following directions

"13 If the cases of the private respondents are considered in view of the enunciation of law, as referred to above in Shobha Rani's case (supra), they were not eligible to be considered for promotion to the post of Senior Lecturer on the date when the Rules were amended on 11 11 2008, as none of them was having 8 years' experience including ad hoc service. Therefore, it can safely be opined that consideration of cases of the private respondents for promotion to the post of Senior Lecturer on 21 03 2011 in terms of the unamended Rules is erroneous, when the Rules had already been amended on 11 11 2008, hence, liable to be set aside

15 For the reasons recorded above, the promotion of the private respondents is held to be contrary to the Rules, hence, set aside

16 The writ petitions stands disposed of "

**Dated 03 05 2013**

**(Rajesh Bindal)**

**Judge**

- vi That Sh Ramesh Chand Yaduwanshi, Sh Sunil Kumar and Sh Rakesh Ahmed challenged the above said order of the Hon'ble Single Bench in LPA No 960 of 2013, LPA No 16 of 2014 & LPA No 262 of 2017 respectively. The Hon'ble Division Bench of High Court has dismissed the above appeals and upheld the above decision dated 03 05 2013 of learned Single Bench vide judgement dated 16 10 2018 with the following directions

" No error is found in the conclusion arrived at by the learned single Judge. The appeals are hereby dismissed "

**Dated 16 10 2018**

**(Ajay Kumar Mittal)**

**Judge**

**(Avneesh Jhingan)**

**Judge**

- vii That accordingly in compliance of said judgment dated 16 10 2018, these 03 Senior Lecturers including Shri Ramesh Chand Yaduwanshi, of GPES Uttarakhand were reverted back to the post of Lecturer and Shri Sandeep Kharb was promoted to the post of Senior Lecturer vide order dated 12 12 2018
- viii That thereafter Shri Ramesh Chand Yaduwanshi and Shri Rakesh Ahmed also filed SLP no 1931 of 2019 and SLP no 1790 of 2009 respectively before the Hon'ble Supreme Court of India and the said SLPs were also dismissed by the Hon'ble Apex Court on 28 01 2019 with the following orders

**Dated 28 01 2019 This petition was called on for hearing today**



**CORAM**

**HON'BLE MR JUSTICE SANJAY KISHAN KAUL**

**HON'BLE MS JUSTICE INDIRA BANERJEE**

**For Petitioner(s) Mr Rakesh Dwivedi, Adv**

**Mr Sansriti Pathak, AOR**

**Mr Eklavya Dwivedi, Adv**

**Mr Siddharth Iyer, Adv**

**For Respondent(s) Mr Vikas Kumar, Adv**

**Mr Manish Paliwal, Adv**

**Mr Dheeraj Singh, Adv**

**For M/s Corporate Legal Partners, AOR**

**UPON hearing the counsel the Court made the following**

**ORDER**

**Heard the learned counsel for the the petitioner and perused the relevant material**

**We are not inclined to interfere with the impugned judgement The Special Leave Petition is accordingly dismissed**

**Pending application(s), if any, shall also stand disposed of**

**(POOJA ARORA)  
COURT MASTER**

**(ANITA RANI AHUJA)  
COURT MASTER"**

- ix** That further in regard to serial no 16 of the representation of Shri R C Yaduwanshi, it is submitted that as per qualifications laid down in the notified service rules 2001 Shri Sandeep Kharb was Heaving requisite qualifications i.e MCA degree for the post of Lecturer in Computer Engineering However he has also having M Tech Degree possessed from IASE University Rajasthan and as per CS instructions dated 09 01 2008 and 15 02 2008 which were issued by the State Government in view of judgement dated 03 11 2017 of Hon ble Supreme Court in Orissa Lift Irrigation Corporation Ltd Versus Rabi Sankar Patro & ors , Civil Appeal No 17869 17870 of 2017 Shri Sandeep Kharb cleared the test conducted by AICE in second chance Some employees of Society Polytechnics cleared their test/ exam conducted by the AICTE in first chance and 03 employees including Shri Sandeep Kharb cleared their test/ exam conducted by the AICTE in second chance They successfully qualified the said examination and, therefore their degrees stand validated





- x That further it is also relevant to mention here that Shri Ramesh Chand Yaduwanshi has also challenged the promotion orders dated 12 12 2018 in respect of Shri Sandeep Kharb by filing a CWP no 5583 of 2019 in the Hon ble High Court and the same is pending for adjudication before the Hon ble Court The next date of hearing is fixed for hearing on 17 04 2020

That keeping in view above facts and in compliance judgement dated 03 05 2013 of Hon ble High Court in CWP no 5965 of 2011 which was upheld in LPA no 960 of 2013 vide judgement dated 16 10 2018 and subsequent upheld by the Hon ble Apex Court in SLP no 1931 of 2019/ SLP no 1790 of 2019 these 03 Senior Lecturers including Shri Ramesh Chand Yaduwanshi of GPES Uttawar were rightly reverted back to the post of Lecturer of GPES Uttawar vide order dated 12 12 2018 and further the request of Shri Ramesh Chand Yaduwanshi vide his representation dated 11 12 2019 regarding amendment of his promotion Govt ordeals dated 04 04 2011 issued vide Endst No 713 718 dated 06 04 2011 may not be considered as the matter is sub judice in CWP HO 5583 of 2019 before the Hon ble High Court The next date of hearing in the said case is fixed for hearing on 17 04 2020

Sd

Superintendent, Technical Education  
for Principal Secretary to Government of Haryana  
Technical Education Department

Thereafter an additional application received from Sh Sandeep Kharab Senior Lecturer (Computer Engineering Department) Government Polytechnic Education Society Uttawar (Palwal) on dated 22 06 2020 regarding request for personal hearing in the meeting of the Committee on Petitions which reads as under

सेवा मे

श्री घनश्याम दास अरोडा जी  
विधायक और अध्यक्ष याचिका समिति  
हरियाणा विधायक सचिवालय  
चण्डीगढ़।

विषय— श्री रमेश चंद यदुवशी प्राध्यापक द्वारा दायर याचिका के सबध में व्यक्तिगत सुनवाई के लिये अनुरोध।

आदरणीय महोदय

सूत्रों के द्वारा पता चला है कि श्री रमेश चंद यदुवशी ने आपके समक्ष एक याचिका लगाई है मैं डॉ सदीप खर्ब वरिष्ठ प्राध्यापक कम्प्यूटर इंजीनियरिंग विभाग श्री रमेश चंद यदुवशी प्राध्यापक दायर याचिका के सबध मे कुछ तथ्यों को रखने के लिये आपकी अनुमति लेना चाहता हूँ



- 1 कि एक विज्ञापन सख्या 01/2007 03/2007 04/2007 अलग-अलग समाचार पत्र मे प्रकाशित किया गया था जिसके तहत मैंने कम्प्यूटर इजीनियरिंग मे प्राध्यापक के पद के लिये आवेदन किया था। यह उल्लेख करना बहुत ही उचित है कि उक्त विज्ञापन के अनुसार कम्प्यूटर एप्लीकेशन मे मास्टर(MCA) करने वाले उम्मीदवार भी लैक्चरर के पद के साथ-साथ प्रोग्रामर के लिये पात्र थे। श्रीमान जी मैंने मास्टर इन कम्प्यूटर एप्लीकेशन महर्षि दयानन्द यूनिवर्सिटी रोहतक से वर्ष 2004 मे की थी जोकि एक स्टेट यूनिवर्सिटी है और आज NAAC Accreditation मे पहला स्थान रखती है जिसके चास्लर गर्वनर महोदय हरियाणा सरकार स्वयं होते है।
- 2 कि मुझे के **Government polytechnic Education Society, Uttwar Palwal** के लिये कम्प्यूटर इजीनियरिंग मे लैक्चरर के रूप मे ममो नंबर 51/17/2007/2007-ITE पत्र दिनांक 03-08-2007 द्वारा चुना गया था। ओर मैंने 6-08-2007AN को विभाग ज्वाइन किया। नियुक्ति पत्र की शर्त सख्या 13 के अनुसार मेरी वरष्ठिता का चयन मेरिट के अनुसार किया जाना था जैसाकि चयन सूची मे किया गया था जिसमे मैं पहले स्थान पर था। Roll No 1627 in General Category at No 1
- 3 अप्रैल 2011 के महीने मे कम्प्यूटर कम्प्यूटर इजीनियरिंग मे वरिष्ठ प्राध्यापक के पद पर पदोन्नति की गई थी। जिसमे मुझे लैक्चरर कम्प्यूटर इजीनियरिंग के रूप मे 8 वर्षों के अपेक्षित अनुभव की पूर्ति के आधार पर अयोग्य भी प्या गया था। इस प्रकार मुझे नजर अदाज कर दिया गया और श्री रमेश चद यदुवशी श्री सुनील सरोहा श्री रहीश अहमद को उनकी सविदा/एडहॉक सेवाओ पर विचार करके वरिष्ठ प्राध्यापक के पद पर पदोन्नत किया गया था। यह बहुत ही प्रासंगिक है कि यह श्री रमेश चद यदुवशी ने नियुक्ति के समय उम्र और शिक्षा मे छूट का लाभ उठाया है। फिर भी उन्होने पदोन्नती मे एडहाक अनुबन्ध सेवा के सभी लाभो का लाभ उठाया है मेरे ज्ञान के अनुसार उम्मीदवार दो बार छुट नही ले सकते है। एक बार नियुक्ति के साथ ओर एक अपने जीवन मे पदोन्नति के लिए।
- 4 कि के मैंने उपरोक्त प्रेमोशन को चुनौती CWP5965/2011 द्वारा पजाब एण्ड हरियाणा हाई कोर्ट मे दायर की। पजाब और चण्डीगढ के माननीय उच्च न्यायालय में पदोन्नति तथ्यो पर विचार करने के बाद कि वह श्री रमेश चद यदुवशी सुनील सरोहा रहीश अहमद को अप्रयुक्त नियम के अनुसार अयोग्य पाया क्योंकि उन्होने सेवा के 8 वर्ष पूरे नही किए थे। (amended and un amended rules before dt 11 11 2008 के तहत) जो पदोन्नति के लिये अपेक्षित योग्यता है (नीचे दी गई तालिका देखे जो निर्णय माननीय उच्च न्यायालय पजाब एण्ड हरियाणा मे रखी गई है)।

|                                      | Date of Joining | Total Experience gained Prior to regular appointment | Experience gained upto the date of amendment of the Rules after appointment | Total Experience gained upto amendment of Rules |
|--------------------------------------|-----------------|--|---|---|
| Respondent No 5 (Mr Sumi Saroha)     | 21 08 2007      | 6 years 6 months and 2 days                          | One year 2 months and 21 days   | 7 years 8 months and 23 days                    |
| Respondent No 6 (Mr Rahish Ahmed)    | 10 08 2007      | 4 years 5 months and 25 days                         | One year 1 month and 3 days   | 5 years 8 months and 28 days                    |
| Respondent No 7 (Mr R C Yadhuwanshi) | 07 08 2007      | 6 years 8 months and 22 years                        | One year 3 months and 5 days  | 7 years 11 months and 27 days                   |

- श्रीमान जी यहा यह भी बताना आवश्यक है कि माननीय उच्च न्यायालय पंजाब एण्ड हरियाणा हाई कोर्ट द्वारा इनकी प्रमोशन को निरस्त करके मुझे प्रमोशन देने के लिये निर्णय लिया गया। रिट याचिकाओं का निपटारा किया गया।
- 5 श्री रमेश चन्द यदुवशी ने 2011 के CWP 5965 के निर्णय के खिलाफ 2013 को LPA 960 दायर किया और 16-10-2018 पर माननीय उच्च न्यायालय द्वारा इसे खारिज कर दिया गया। निर्णय का ओपरेटिव हिस्सा नीचे दिया गया है।
- पैरा नं० 19 "If the cases of the private respondents are considered in view of the enunciation of law they were not eligible to be considered for promotion to the post of Senior Lecturer on the date when the Rules were amended on 11 11 2008 as none of them was having 8 years experience including ad hoc service Therefore it can safely be opined that consideration of cases of the private respondents for promotion to the post of Senior Lecturer on 21 03 2011 in terms of the unamended Rules is erroneous when the Rules had already been amended on 11 11 2008, hence liable to be set aside referred to above in Shobha Rani s case (supra) 'No error is found in the conclusion arrived at by the learned Single Judge the appeals are hereby dismissed
- 6 फिर से श्री रमेश चन्द यदुवशी 1931/2019 को सर्वोच्च न्यायालय में एसएलपी दायर की। भारत की शीर्ष अदालत ने दिनांक 28-01-2019 को एसएलपी को खारिज कर दिया। निर्णय का साकारात्मक भाग नीचे दिया गया है।

Heard the Counsel for the petitioner (S) and perused the relevant material

"We are not inclined to interfere with the impugned judgement The SLP are accordingly dismissed

- 7 यहा यह उल्लेख करना उचित है कि माननीय उच्च न्यायालय पंजाब और चण्डीगढ़ द्वारा CWP5965/2011 CWP 7031/2011 LPA 960/2013 2014 के LPA 961/22013/16 और 282 के निर्णय के अनुपालन में और भारत के सर्वोच्च न्यायालय एसएलपी 1931/2019 में। बोर्ड ऑफ गवर्नर्स गवर्नमेंट पॉलिटेक्निक एजुकेशन सोसाईटी उटावड द्वारा क्रमांक नं० GPESU/669 dt 12 12 2018 को श्री रमेश चन्द यदुवशी सुनील सरोहा रहीश अहमद जोकि वरिष्ठ प्राध्यापक के पद पर थे वापिसी प्राध्यापक पद पर रिवर्ट करने के आदेश पारित किए और साथ

Memo no 1209 dt 7 11 2019 द्वारा मुझे बतौर वरिष्ठ प्राध्यापक के पद पर 12-12-2018 से पदोन्नत किया गया जोकि एक फीडर पोस्ट है। बाद में मेरे द्वारा CWP 23399/2019 के आदेश की पालना करते हुए 06 08 2015 (notionally) कर दी गई।

एम टेक योग्यता के बारे में /CWP 5583/2019

श्री रमेश चंद यदुवशी ने तथ्यों को जाने बिना मेरे खिलाफ 2019 का CWP 5583 दायर किया यह उनका अभ्यास है और कानूनी मुद्दों को हमेशा पक्ष में रखना चाहते हैं। मैं संक्षेप में CWP 5583/2019 के बारे में तथ्यों को विस्तार से बताना चाहूंगा हालांकि यह मामला माननीय उच्च न्यायालय में है। महोदय मैं इस CWP 5583/2019 के सम्बन्ध में कुछ तथ्य रखना चाहता हूँ।

- 1 CWP 5583/2019 के अनुसार मैंने दूरस्थ शिक्षा मोड के माध्यम से IASE Sardar sahar] Rajasthan नाम के विश्वविद्यालय से एम0टैक कम्प्यूटर साइंस की डिग्री हासिल की हरियाणा सरकार के मुख्य सचिव द्वारा memo no 42/158/2015 SGS1 दिनांक 15-02-2018 द्वारा हरियाणा सरकार में भर्ती और पदोन्नति के उद्देश्य से दूरस्थ शिक्षा मोड में विश्व विद्यालय द्वारा तकनीकी योग्यता के सम्बन्ध में अपने स्वयं के विचार बनाकर श्री रमेश चन्द यदुवशी प्रस्तुत करना चाहते हैं कि यदि उम्मीदवार प्रथम प्रयास में परीक्षा उत्तीर्ण करता है तो उसकी डिग्री सभी लाभों के साथ मान्य होनी चाहिए यदि ऐसा करने में विफल रहता है तो उसकी डिग्री लाभ के साथ मान्य नहीं होनी चाहिए। अपने विचार के आधार पर वह चाहता है कि मेरे साक्षात्कार के समय सम्मानित किए गए अकों को अब काट दिया जाये और योग्यता को सीमित कर दिया जाये। मुझे मेरे उपरोक्त डिग्री के लिये इन्टरव्यू के समय 10 अंक दिये गये थे।
- 2 यह उल्लेख करना बहुत ही उचित है कि 2017 के CWP 17869 70 में दी गई भारत की शीर्ष अदालत ने अपने फैसले की तारीख 3-11-2017 में साफ कर दिया है कि जिसमें स्पष्ट किया गया है कि जिन स्टूडेंट्स ने वर्ष 2001-2005 की बीच में दाखिला लिया हुआ है एआईसीटीई द्वारा लिखित परीक्षा में और साथ ही सम्बन्धित सभी विषयों को व्यवहारिक रूप से कवर करने के लिये आयोजित की जाने वाली परीक्षा को उत्तीर्ण करने के दो से अधिक अवसर नहीं दिये जायेंगे।
- 3 कि मैंने CWP 17869 70/2017 में 3-11-2017 के भारत के सर्वोच्च न्यायालय के निर्णय के अनुसार निर्धारित दिसम्बर 2018 में AICTE द्वारा आयोजित परीक्षा उत्तीर्ण की है।
- 4 यह भी उल्लेख करना उचित है कि भारत के शीर्ष न्यायालय के फैसले के आलोक में और सरकार के मुख्य सचिव कमांक 42/158/2015-5GS1 दिनांक 15-02-2018 हरियाणा सरकार में भर्ती और पदोन्नति के उद्देश्य से दूरस्थ शिक्षा मोड में डीम्ड विश्वविद्यालय द्वारा तकनीकी योग्यता की योग्यता के बारे में हरियाणा सरकार के अतिरिक्त मुख्य सचिव हरियाणा कृषि और किसान कल्याण विभाग हरियाणा में भर्ती और पदोन्नति के उद्देश्य से डीम्ड एजुकेशन मोड में डीम्ड यूनिवर्सिटी द्वारा तकनीकी योग्यता के समक्ष योग्यता के बारे में स्पष्ट करते हैं कि जिन विद्यार्थियों द्वारा दूसरे अटैम्प्ट में टैस्ट क्लीयर किया गया है उनकी भी डिग्री सभी लाभ सहित मान्य होगी। This matter has been examined by the Govt level



- 5 इसके अलावा LPA 260/2019 from a combined reading of the direction given by the Apex court in the judgement in Orissa Lift Irrigation Corporation Ltd Vs Ravi Shankar Patro and other (supra) and the clarification order dated 22 01 2018 it becomes apparent the Hon ble Apex court had directed that the candidates who were enrolled during academic session 2001 to 2005 and exercised option to appear at the test to be conducted by the AICTE in terms of judgement can retain the degrees in question and all the advantages following their from till one month after the declaration of the result of such test or till 31 07 2018 whichever is earlier and that if the benefits are withdrawn from them after 31 07 2018 then all such benefits and advantages will be restored to them on passing the examination in the first or second chance as the case

उपरोक्त तथ्यों के आधार पर मेरा आपसे अनुरोध है कि श्री रमेश चंद यदुवशी द्वारा दायर की गई अपील में किसी प्रकार का सशोधन न करे। जिससे मानव हितों की रक्षा की जा सके। न्याय पाने के लिये मैंने माननीय पंजाब एण्ड हरियाणा हाई कोर्ट और अपेक्स सुप्रीम कोर्ट ऑफ इण्डिया में काफी परेशानियों का सामना करते हुए हक की लड़ाई लड़ी है। आपसे भी मेरा यही अनुरोध है कि श्री रमेश चंद यदुवशी द्वारा दायर की गई अपील में किसी भी प्रकार का सशोधन न करें। अगर किसी प्रकार का सशोधन किया जाता है तो इससे मेरे और अन्य के मौलिक अधिकारों का हनन होगा।

आपका आभारी रहूंगा।

—हस्ता—

डॉ सदीप खरब

वरिष्ठ प्राध्यापक (कम्प्यूटर इंजीनियरिंग विभाग)

गवर्नमेंट पॉलिटेक्निक शिक्षा समिति उटावड (पलवल)

The Committee orally examined the departmental representatives and petitioner/Applicant in its meeting held on 23 06 2020 After discussion the Committee made following observation which reads as under

### समिति की सस्तुति

श्री रमेश चन्द यदुवशी की याचिका/अभ्योदन के सदर्थ मे समिति ने श्री रमेश चन्द यदुवशी श्री सदीप खर्ब तथा विभागीय प्रतिनिधियों को अपना अपना पक्ष रखने के लिये मौका दिया। सभी पक्षो ने अपने-अपने तथ्य विस्तार सहित समिति के समक्ष प्रस्तुत किए। समिति ने सभी पक्षो द्वारा दिये गए तथ्यों का बारीकी के साथ अध्ययन किया। श्री रमेश चन्द यदुवशी ने अपने याचिका/अभ्योदन के पैरा संख्या-3 मे वर्णित किया है कि वह विभाग द्वारा जारी किए गए विभिन्न पदो की भर्ती के विज्ञापन को अनुलग्नक -ए के रूप मे सलग्न कर रहा है। संबंधित याचिका/अभ्योदन के पैरा संख्या-5 के अनुलग्नक-ए को आधार मानते हुए श्री सदीप खर्ब ने लैक्चरर पद की शैक्षणिक योग्यता होने संबंधी अपना पक्ष समिति के समक्ष रखा।

विभागीय प्रतिनिधियों तथा श्री सदीप खर्ब ने समिति को उत्तर देते हुए बताया है कि याचिकाकर्ता श्री रमेश यदुवशी समिति के समक्ष वास्तविक तथ्यों को छिपा रहे हैं। श्री सदीप खर्ब ने समिति के समक्ष विज्ञापन सख्या 1/2007 के शुद्धिपत्र की अखबार की कटिंग प्रदर्शित करके बताया कि वह लैक्चरर पद की सभी शैक्षणिक योग्यताये पूर्ण करते हैं और लैक्चरर पद के लिये पूर्ण रूप से योग्य हैं। समिति कक्ष में उपस्थित विभागीय प्रतिनिधियों ने भी श्री सदीप खर्ब के पक्ष को सही माना और बताया कि श्री सदीप खर्ब की नियुक्ति/पदोन्नति पूर्ण रूप से वैध है। विभागीय प्रतिनिधियों ने समिति को यह भी अवगत कराया कि याचिकाकर्ता श्री रमेश चन्द यदुवशी इस विषय पर माननीय पंजाब एव हरियाणा उच्च न्यायालय तथा माननीय सर्वोच्च न्यायालय में भी अपना केस हार चुके हैं तथा श्री सदीप खर्ब की नियुक्ति/पदोन्नति पूर्ण रूप से वैध तथा सही है।

सद्वर्तित केस के सभी पक्षों व पहलूओं को सुनने व बारीकी से अवलोकन करने के उपरान्त समिति ने पाया कि समिति विभाग के जवाब से पूर्ण रूप से सतुष्ट है तथा श्री रमेश चन्द यदुवशी बार-बार अपना पक्ष बदलने का कुत्सित प्रयास कर रहे हैं और ऐसी अवस्था में समिति सबधित याचिका को खारिज करती है।

The petition/representation is disposed of accordingly on 23 06 2020

**4 PETITION/REPRESENTATION RECEIVED FROM SH SUSHIL KUMAR & OTHERS OF NEW GRAIN MARKET, PARTAP NAGAR, KHLJABAD, REGARDING ISSUENCE OF LICENCE OF BOOTH OF NEW GRAIN MARKET, PARTAP NAGAR, KHLJABAD, WHICH READS AS UNDER**

सेवा में

माननीय याचिका समिति  
हरियाणा विधानसभा  
चंडीगढ़

**विषय— न्यू ग्रेन मार्केट प्रताप नगर खिजराबाद में बूथों पर लाइसेंस जारी करने बारे।**

सविनय निवेदन है कि मुझे मंडी बोर्ड की तरफ से न्यू ग्रेन मार्केट प्रताप नगर खिजराबाद में 6-05-2015 को हुई खुली बोली में बूथ प्लॉट आवंटित किये गए थे इस खुली बोली के दौरान विभागीय अधिकारियों के द्वारा यह भी घोषणा की गयी थी इन सभी आवंटित बूथ प्लॉटों पर विभाग क सर्कुलर नं० 179 व 193 के तहत लाइसेंस भी जारी किये जायेंगे। परन्तु आज चार वर्ष बीत जाने के बाद भी विभाग के द्वारा हमें लाइसेंस जारी नहीं किये गये इसके साथ ही जो पुराने लाइसेंस उनका भी नवीनीकरण नहीं किया गया जबकि हरियाणा सरकार की अन्य मंडियों में विभाग द्वारा बूथों पर लाइसेंस जारी किये जा रहे हैं। यहा तक की हमारी ही मार्केट कमेटी छछरौली में बूथों पर लाइसेंस जारी है केवल हमारे साथ ही अन्याय हो रहा है जिस बारे में हम पहले भी आपसे अनुरोध कर चुके हैं और मीटिंग के दौरान सबधित विभाग के अधिकारियों ने जल्द से जल्द लाइसेंस जारी करने की बात कही थी और याचिका समिति की मीटिंग में अधिकारियों ने कहा था कि हमने एक कमेटी बनाई है और उसकी रिपोर्ट आने पर हम जल्दी ही लाइसेंस जारी कर देंगे परन्तु विभाग के अधिकारियों के समिति में आश्वासन देने के बाद भी आज तक कोई लाइसेंस जारी नहीं किया गया जिसके कारण हमें बहुत परेशानी का सामना करना पड़ रहा है।

अतः हम आपसे एक बार फिर प्रार्थना करते हैं कि सम्बन्धित विभाग को दिशा-निर्देश जारी कर हमारे लाईसैस जल्द से जल्द जारी करवाने की कृपा करें।  
धन्यवाद सहित।

दिनांक 06-01-2019

प्रार्थी

हस्ता

श्री सुशील कुमार व अन्य

The Petition/Representation was placed before the Committee in its meeting held on 15 01 2020 and the Committee considered the same and decided that said petition/representation be sent to the concerned department for sending their comments/reply within a period of 15 days. The Committee does not receive any comments/reply from the department. Reminder was sent to the department for status report on dated 26 06 2020. Thereafter Committee orally examine the Departmental representatives and petitioners/applicants in its meeting held on 14 07 2020. After discussion the Committee satisfied with the reply of departmental representatives and the matter has been sort out. The petition/representation was disposed of accordingly in its meeting held on 14 07 2020.

5. PETITION/REPRESENTATION RECEIVED FROM SH. OM PARKASH S/O LATE SH. HARI SINGH MALIK, HNO 417, SECTOR-6, BAHADURGARH, VPO CHHAPRA, TEHSIL GOHANA, DISTRICT SONEPAT, REGARDING PENDING THE TUBEWELL CONNECTION FROM LONG TIME DESPITE DEPOSIT THE ALL AMOUNT OF DUES TO O.P.S DIVISION UHBVN KATHURA, GOHANA, WHICH READS AS UNDER:-

सेवा में

माननीय चेयरमैन साहब पेटिशन कमेटी  
हरियाणा विधानसभा  
चण्डीगढ़।

विषय - दरवास्त एक किसान के द्वारा काफी समय से बिजली ट्यूबल के लिए दिए गये आवेदन के तहत तमाम राशि का रसीदात अनुसार पेयमेंट ओपी /एस डिविजन यूएचबीपीएन कथूरा गोहाना को करते हैं अब तक ट्यूबल कनेक्शन का मीटर न देने बारे शिकायत प्रार्थना पत्र।

श्रीमान जी

स्विनय निवेदन यह है कि प्रार्थी श्री ओम प्रकाश सपुत्र श्री हरी सिंह मलिक निवासी मकान नं० 417 सेक्टर-6 बहादुरगढ़ जिला झज्जर का निवासी हैं तथा ग्राम छपरा त० गोहाना जिला सोनीपत में स्थित 8 एकड़ भूमि का किसान हैं जोकि में खेल के अन्दर कौठा ट्यूबवेल जरनेटर आदि सभी मौजूद है। जो कि मुझ प्रार्थी ने एसडीओ डिविजन कथूरा गोहाना जिला सोनीपत को अपने ट्यूबवेल कनेक्शन के लिए 19.07.2018 की सिक्विरेटी अदा करते हुए आवेदन दिया था और दिनांक 12.07.2018 को बिजली मीटर आदि खर्च राशि

डिमांड लैटर अनुसार मैंने 30780/- रुपये कि अदायगी रसीद न० 135 136 अनुसार दिनांक 19 07 18 कि राशि बिजली निगम को अदा कर दी गई। और मुझ प्रार्थी को डिमाण्ड नोटिस अनुसार बिजली मीटर खरीद करने के आदेश दिए गए जोकि मैंने रसीद बुक न० 112442 रसीद न० 828 दिनांक 29 04 2019 के मुताबिक मु० 74,200/- रुपये बिजली मीटर सहित अन्य इस्तेमाल किए जाने वाले सामान की खरीद कर ली जिनकी तमाम रसीदात फोटो कापी प्रार्थी के पास मौजूद है। मीटर 25 एचपी 4 कट्रॉल आदि सभी शामिल है। इतना सब कुछ करने के बावजूद बिजली निगम कथूरा गोहाना को बार-बार ट्यूबवेल कनेक्शन देने के लिए चक्कर काटने पर व प्रार्थी को परेशान करने के बाद मेरे को बिजली अधिकारी एस०डी०ओ० आदि से जवाब मिलता है कि आप द्वारा व खरीदी गई बिजली मीटर नहीं चलेगी तुम मेहकमा में पैसे जमा करवाओगे तो तब हम मीटर खरीदेंगे और तब कनेक्शन मिलेगा। जोकि इसके बावजूद भी प्रार्थी ने अलग से बिजली निगम को मीटर के पैसे मु० 50491/- रुपये 31 09 2019 को जमा करवा दिये गये है जोकि प्रार्थी अब भी प्रार्थी अपनी ओर से पॉल-ट्रॉसफार्मर सभी मिलाकर मु० 1 42 852/- रुपये दिनांक 30 11 2019 को जमा भी करवा चुका हूँ। इतने पैसे किसान द्वारा जमा करने के बावजूद भी अब तक बिजली कनेक्शन से बिजली विभाग कथूरा गोहाना ने मुझे दर-दर की ठोकरें खिलाते हुए वंचित रखा गया है। अतः आप एक गरीब किसान के साथ दिन दिहाड़े ऐसा अन्याय करने के बावजूद आपको इससे अवगत करवा रहा हूँ। इसलिए जनाब मुझे मेरा बिजली मीटर की राशि वापिस करवाते हुए आप मेरे को शीघ्र ट्यूबवेल कनेक्शन दिलाने में मेरी मदद करने का कृतार्थ करे। आपकी अति कृपा होगी।

नोट विभाग कि ओर से ठेकेदार के द्वारा लगाये गये पोलो को भी टेडा-मेडा अवस्था में गड़वाए गये है जोकि सिधार्ई में न होने से वे पोल कभी भी टूट सकते है।

दिनांक 08 07 2020

प्रार्थी

हस्ता

ओम प्रकाश पुत्र स्व० हरी सिंह मलिक  
मकान न० 417 सैक्टर-6 बहादूरगढ़  
बिस्वेदार ग्राम छपरा त० गौहाना जिला सोनीपत

The Petition/Representation was placed before the Committee in its meeting held on 14 07 2020 and the Committee considered the same and decided that said petition/representation be sent to the concerned department for sending their comments/reply within a period of 10 days The Committee received reply from the concerned department on dated 10 08 2020, which reads as under -

To

The Secretary,  
Haryana Vidhan Sabha  
Chandigarh

Subt Regarding pending tubewell connection from long time despite deposit the all amount of dues to O.P.S/Divn UHBVN Kathura, Gohana - Reply thereof

May kindly invite attention towards your office memo No HVS/Petition/14/696/2020 21/8706 dated 15 07 2020 on the subject cited above





The petition of Sh Om Parkash S/o Late Sh Hari Singh Malik enclosed with the aforesaid office memo has been gone through minutely. The petitioner submits that he has applied for tubewell connection on 19 07 2018 and deposited Rs 30 000/- as consent money on 19 04 2019. The applicant purchased the motor on 29 04 2019 for 25 BHP. Later on he also deposited Rs 50491/- on 21 09 2019 and Rs 142852/- on 30 11 2019 towards cost of motor pumpset and estimated cost respectively but the connection has not been released till date.

In this context, it is intimated that as per the instructions of the State Govt new tubewell connections to the applicants who have applied from 01 01 2014 to 31 12 2018 with capacity upto 30 BHP are being released by the State DISCOMs. For this purpose 5 Star energy efficient pumpsets are being provided by the DISCOMs at subsidized rates.

However new tubewell connections to the eligible applicants having applied for capacity beyond 20 BHP and upto 30 BHP could not have been released hitherto due to non readiness of motor pumpsets of these capacities with the manufacturer and change in the energy efficiency norms by Bureau of Energy Efficiency (BEE) w e f 01 02 2020. Since the petitioner has applied for a 25 E IP tubewell connection as such, the connection could not have been released as of now "

However after the aforesaid revision by BEE the 5 Star rated motor pumpset which was procured by the Nigam now qualifies for 3 Star. The purchase order for supply of 1532 motor pumpsets with legend "5 Star rated (now 3 Star)" have been placed on the manufacturing firm for release of tubewell connections to those eligible applicants who have consented to release their connections with motor pumpsets with llegend 5 Star reted (now 3 Star).

The name of the consumer in question has been included in the list of 1532 motor pumpsets being procured against P O No HH 8423 dated 10 07 2020. The P O contains following deliver clause

**DELIVERY** The 1<sup>st</sup> lot of motor pump sets (1/3<sup>rd</sup> of ordered qty) shall be delivered in the stores within 45 days from the date of receipt of P O and balance qty shall be supplied in 2 equal lots of 30 days each.

As the order for supply of motor pumpset for the petitioner stands already issued and the same is likely to be received very soon therefore connection to the petitioner shall be released as per seniority immediately on receipt of motor pumpset.

This is for your information and necessary action please

Sd  
Chief Engineer Comm  
UHBVN Panchkula



The Committee orally examined the departmental representatives and petitioner/applicant in its meeting held 01 09 2020 the departmental representatives stated that the matter will be resolved very soon After that a letter received from the department in which it is stated that connection has been released on 14 10 2020

Thereafter the Committee also received a letter from Sh Om Parkash S/o Late Sh Hari Singh Malik, in which petitioner/applicant stated that his grievances was resolved and he thanked the Committee The letter received from petitioner is reads as under

सेवा मे

माननीय चेयरपर्सन  
याचिका समिति  
हरियाणा विधानसभा  
चण्डीगढ़।

श्रीमान जी

सविनय निवेदन है कि प्रार्थी एक किसान श्री ओम प्रकाश सुपुत्र श्री हरी सिंह मलिक मकान न0 417 सैक्टर-8 बहादुरगढ़ जिला झज्जर का निवासी हूँ। जोकि मैंने अपनी आराजी छपरा त0 गोहाना जिला सोनीपत मे स्थित 8 एकड़ भूमि के लिये प्रार्थी ने टयूबवैल कनैक्शन आदि के लिये काफी समय से विलम्ब के तहत परेशान होने पर मैंने आपको शिकायत प्रार्थना पत्र दिनांक 6-07-2020 को आवेदन किया जोकि जनाब आपकी कृपा के कारण प्रार्थी के खेत के अन्दर बिजली विभाग के द्वारा पत्र कमाक एच वी एस/पैटिशनर्स/2/2020-21/11945-52 के तहत शिकायत 28-08-2020 के तहत 1-10-2020 को सुनवाई करते हुए मेरे को बिजली निगम की ओर से पहले बिजली मोटर दिनांक 3-10-2020 को दी गई तथा उसके बावजूद 13-10-2020 को बिजली ट्रांसफार्म मिला और दिनांक 14-10-2020 को कनैक्शन जोड़ते हुए प्रार्थी का टयूबवैल कनैक्शन चालू कर दिया गया है जिसके लिये मे प्रार्थी आपका बहुत भारी अभारी हूँ और मैं आपका बहुत-बहुत धन्यवाद प्रकट करता हूँ कि आपने अपने पद का सदुपयोग करते हुए एक गरीब किसान की समस्या को हल करने व करवाने के लिये एक सराहनीय कार्य किया। इसलिये भगवान को मेरा निवेदन है कि भगवान आपको लम्बी उम्र देते हुए सुख-शान्ति देते हुए आपको जीवन मे काफी उँचे पद दिलाने मे मदद करेगा।

धन्यवाद।

दिनांक-26-10-2020

प्रार्थी

हस्ता  
औमप्रकाश मलिक सुपुत्र श्री हरि सिंह मलिक  
मकान न0 417 सैक्टर-8  
बहादुरगढ़ जिला झज्जर।

The Committee considered that application of petitioner in its meetintg held on 22 12 2020 and accordingly disposed of the petition/ representation.



**6 PETITION/REPRESENTATION RECEIVED FROM SH RAJBIR SINGH KADIAN, RETIRED PRINCIPAL, H NO 1868 SECTOR-3 ROHTAK, REGARDING NON-PAYMENT OF GRATUITY AND PENSION COMMUTATION OF RS 49 29 LACS, WHICH READS AS UNDER -**

To

The Chairman  
Committee on Petitions  
Haryana Vidhan Sabha  
Chandigarh

**Subject Non payment of my Gratuity and Pension Commutation of Rs 49 29 lacs**

Sir

It is again kindly submitted

1 That I retired as Principal from Government Polytechnic for Women Sirsa on 31 12 2017 after serving more than 35 years in the Technical Education Department Haryana on various posts of Lecturer Senior Lecture Head of Department and more than 12 years on the post of Principal And the whole of my service record was fully unblemished

2 That the Government issued charge sheet to me under rule 7 vide memo No 11/03/2017 ITE dated 30 07 2017 for going to Canada from 16 11 2006 to 24 11 2006 ( 9 days ) the mere allegation against me is that I violated Government instruction dated 13 09 2005 of taking prior permission before going abroad The Government instruction dated 13 09 2005 was neither available in any or the Government Polytechnic office records as it was never circulated to the Government Polytechnics nor it was incorporated in any Haryana Civil Services Rules or in any Compendium of Government Instructions I have been charge sheeted under rule 7 at the time of my retirement for a 11 years old a very little trivial issue which is totally illegal unjustified and unreasonable

3 That the charges imposed upon me through the Charge sheet dated 31 07 2017 are reproduced here

(i) " I remained on casual leave from 16 11 2006 to 22 11-2006 and visited Canada without getting prior permission approval of the competent authority as per Government instructions dated 13 10 2005 and as such committed an act unbecoming of Government officer and further committed dereliction of official duty and violated the provision of rule 4 (1) of The Haryana Civil Services (Government Employees Conduct) Rules 2016 and Government instructions dated 13 10 2005"

(ii) " The lapse detailed above constitute grave misconduct on my part rendering me liable for strict disciplinary action under rule 7 of the Haryana Civil Services (Punishment and Appeal) Rules 2016 "



- 4 That I submitted the reply of the above said charge sheet on 19 09 2017
- 5 That the Govt appointed the enquiry officer to conduct the departmental enquiry and the enquiry officer submitted his report to the Govt on 16 01 2018
- 6 That the Govt, conveyed the departmental enquiry report to me vide memo no 11/03/2017 ITE dated 16 03 2018 for submitting representation in response to the enquiry report
- 7 That I submitted the representation to the Govt in response to the departmental enquiry report on 14 04 2018
- 8 That Sh Kuldeep Singh Jamwal Joint Director (Administration) and Presenting Officer of the Government admitted and submitted before the Enquiry Officer that these instructions dated 13 9 2005 had not been sent or endorsed to the Govt Polytechnics and these instructions dated 13 9 2005 are also not contained/ incorporated in Haryana Civil Services (Government Employees Conduct) Rules 2016 or any earlier Haryana Civil Services (Government Employees Conduct) Rules
- 9 That the two witnesses in this case Sh Mukesh Chadha the then Principal Govt Polytechnic Jhajjar ( now retired ) and Sh Lalit Verma Principal Govt Polytechnic Nilokheri also admitted before the Enquiry Officer that they had also not seen these instructions dated 13 09 2005 in their more than 30 years of service in this Department
- 10 That I have been charge sheeted under the act and conduct of "Grave Misconduct" of the provisions of Haryana Civil Services (Government Employees Conduct) Rules 2016 but there is no such word of "Grave Misconduct" found /contained under the act and conduct category of Haryana Civil Services (Government Employees Conduct) Rules 2016 whereas this act and conduct does not fall even in the category/definition of 'Misconduct' as mentioned in 19 misconduct sub rules of Rule 5 (Act and Conduct which amount to misconduct) of Haryana Civil Services (Government Employees Conduct) Rules 2016 If this act and conduct would have been "Grave Misconduct" then it must have definitely been incorporated in Haryana Civil Services Rules but it is not so This clearly shows that this is not the case for issuing charge sheet under rule 7 but a very little trivial issue has been too much exaggerated
- 11 That Sh Kuldeep Singh Jamwal Joint Director (Administration) and Presenting Officer of the Government also admitted before the Enquiry Officer that there was no Financial loss suffered by the Govt, in this case but even then my Pension Commutation and Gratuity of Rs 49 29 Lacs has been withheld for more than two years for a very little trivial issue which is totally illegal , unjustified and unreasonable
- 12 That my visit to Canada from 16 11 2006 to 24-11 2006 (9 days) has not caused any type of financial loss to the Government. All the expenditure for going to Canada was incurred by me I neither got any financial benefits in Canada nor I was indulged in any unlawful activity But my exposure to Canada has been great valuable and useful in view of the teaching and guidance to the students during my service
- 13 That a show cause notice dated 28 06 2019 for imposing 5 % cut in my pension has been served upon me in lieu of charge sheet dated 31 07 2017



14 That the charges imposed upon me through the Charge sheet dated 31 7 2017 are reproduced here

15 (i) " / remained on casual leave from 16 11-2006 to 22 11 2006 and visited Canada without getting prior permission approval of the competent authority as per Government instructions dated 13-10 2005 and as such committed an act unbecoming of Government officer and further committed dereliction of official duty and violated the provisions of rule 4(1) of The Haryana Civil Services ( Government Employees Conduct) Rules 2016 and Government instructions dated 13 10 2005 "

(ii) " The lapse detailed above constitute grave misconduct on my part rendering me liable for strict disciplinary action under rule 7 of the Haryana Civil Services (Punishment and Appeal) Rules 2016

16 That the Haryana Civil Services (Government Employees Conduct) Rules 2016 were notified on 19<sup>th</sup> July 2016 and the very first provision of these rules i.e rule 1(2) states that "These rules shall be deemed to have come into force from 19<sup>th</sup> July, 2016 "

and

*the Haryana Civil Services (Punishment and Appeal) Rules 2016* were notified on 19<sup>th</sup> July 2016 and the very first provision of these rules i.e rule 1(2) states that "These rules shall be deemed to have come into force from 19<sup>th</sup> July, 2016 "

17 That both The Haryana Civil Services (Government Employees Conduct) Rules 2016 and the Haryana Civil Services ( Punishment & Appeal ) Rules 2016 came into force from 19<sup>th</sup> July 2016 ( 10 years after "the commitment of the act of going abroad on 16 11 2006)

And thus both the Rules cannot be retrospectively applied on the act committed on 16 11 2006 and hence both the Charge sheet dated 31 7 2017 and show cause notice issued dated 28 06 2019 are null and void and liable to be withdrawn

18 That for an act committed on 16 11 2006 the retrospective effect of rule 7 of the Haryana Civil Services ( Punishment & Appeal ) Rules 2016 which came into force from 19<sup>th</sup> July 2016 for the issue of Charge sheet dated 31 07 2017 and Show cause notice issued dated 28 06 2019 are contrary and violation of the Fundamental Rights Part III, Clause (1) Article 20 of the Constitution of India which states that

"No person shall be convicted of any offence except for violation of a law in force at the time of the commission of the act charged as an offence, nor be subjected to a penalty greater than that which might have been inflicted under the law in force at the time of the commission of the offence"

And hence both the Charge sheet dated 31 07 2017 and Show cause notice issued dated 31 07 2017 being in contravention to the Fundamental Rights are liable to be set aside

19 In *Satwant Singh Sawhney vs D Ramarathnam's* case of year 1967 AIR 1836 Supreme Court of India ruled, by majority



'That the expression personal liberty which occurs in Art 21 of the Constitution includes the right to travel Abroad and that no person can be deprived of that right except according to procedure established by law The mere prescription of some kind of procedure cannot even meet the mandate of Article 21 "

It is worthwhile to mention here that the government instruction dated 13 09 2005 is only an order of the government and not a *procedure adopted by law* and hence cannot meet the mandate of Article 21

20 That the Supreme Court of India on 25 January 1978 in *Maneka Gandhi vs Union of India* case again held that the right to travel abroad as earlier held in *Satwant Singh* is within the scope of guarantees mentioned under Article 21 of the Fundamental Rights of the Constitution of India

21 That the Supreme Court on April 9, 2019 in the case of *Satish Chandra Verma v Union of India*, has reiterated that right to travel abroad is an important basic human right A Bench comprising of Justices L. Nageswara Rao and M R. Shah was hearing an appeal filed by IPS Officer Satish Chandra Verma who was denied permission to travel abroad on account of a pending departmental inquiry against him

The appellant is an Inspector General of Police/Principal Central Training College Central Reserve Police Force at Coimbatore in Tamil Nadu In his appeal the appellant stated that a departmental inquiry is pending against him on account of which the Government of India denied him permission to take a private trip abroad This decision of the Government of India was upheld by Central Administrative Tribunal (CAT) and Madras High Court In this case the Supreme Court observed that

"The right to travel abroad is an important basic human right for it nourishes independent and self determining creative character of the individual not only by extending his freedoms of action but also by extending the scope of his experience

'The right also extends to private life marriage family and friendship are humanities which can be rarely affected through refusal of freedom to go abroad and clearly show that this freedom is a genuine human right

Freedom to go abroad has much social value and represents the basic human right of great significance' the Judges held while allowing IPS officer SC Verma's appeal against the decision of Madras High Court

The Supreme Court also placed reliance on its judgment in the case of *Maneka Gandhi v Union of India*, where the right to travel abroad was upheld and includes within the scope of the personal liberty of the Article 21 of the Fundamental Rights of the Constitution of India

22 That in reply to the charge of 'visiting Canada from 16 11 2005 to 22 11 2005 without getting prior approval of the Government and violated Government instruction dated 13 09 2005' it is submitted that these government instructions dated 13 09 2005 were not circulated by the office of Director General Technical Education Haryana to the state Polytechnic offices and these facts were confirmed by Sh K S Jamwal Presenting Officer of the Government as well as both the Government witnesses Sh Lalit Verma Principal and Sh Mukesh Chadha, Principal during the cross



examination process of enquiry conducted by the enquiry officer Sh Narender Kumar Wadhawan IAS (Retired) and it was also mentioned in the enquiry report

Para no 3 of the Government instruction dated 13 09 2005 is reproduced here  
*They are requested that these instructions may be brought to the notice of all officers/officials under their control"*

From the above mentioned facts it is clear that the Government instruction dated 13 09 2005 were first violated by the office of Director General Technical Education Haryana by not bringing these instructions to the notice of all officers/officials under their control and so these instructions were got consequently violated on my behalf So it is not a lapse on my part but a consequential lapse in furtherance And to rectify this consequential lapse , I have applied through my representation dated 17 07-2019 for ex post facto sanction / permission for abroad visit and it is humbly requested that the necessary ex post facto permission for going abroad may kindly please be granted

23 That the the Supreme Court of India in the matter of **State of Kerala and others v M Padmanabhan Nair** defined the meaning of gratuity and held as under

' Pension and gratuity are no longer any bounty to be disbursed by the Government to its employees on their retirement but have become under the decisions of this Court valuable rights and property in their hands and any culpable delay in settlement and disbursement thereof must be visited with the penalty of interest at the current market rate till actual payment '

24 That the Hon'ble Justice P B Gajendragdkar speaking for the Supreme Court in the matter of the **Garment Cleaning works Bombay v The Workmen** defined the meaning of gratuity as under

"On principle if gratuity is earned by an employee for long and meritorious service it is difficult to understand why the benefit thus earned by long and meritorious service should not be available to the employee even though at the end of such service he may have been found guilty of misconduct which entails his dismissal Gratuity is not paid to the employee gratuitously or merely as a matter of boon It is paid to him for the service rendered by him to the employer and when it is once earned it is difficult to understand why it should necessarily be denied to him whatever may be the nature of misconduct for his dismissal Therefore the general argument that in all cases where the service of an employee is terminated for misconduct gratuity should not be paid to him cannot be acceded to "

25 That likewise in the matter of **Ahmedabad f P) Primary Teachers' Assn v Administrative Office** Their Lordships of the Supreme Court have explained the concept of gratuity and held as under

"The main purpose and concept of gratuity is to help the workman after retirement whether retirement is a result of rules of superannuation or physical disablement or impairment of vital part of the body The expression "gratuity" itself suggests that it is a gratuitous payment given to an employee on discharge, superannuation or death Gratuity is an amount paid unconnected with any consideration and not resting upon it and has to be considered as something given freely voluntarily



or without recompense It is a sort of financial assistance to tide over post retiral hardships and inconveniences '

26 That in a recent decision in the matter of State of Jharkhand and others v Jitendra Kumar Srivastava and another<sup>8</sup>, the Supreme Court has held that pension and gratuity are not bounty but property within the meaning of Article 300 A of the Constitution of India Paragraphs 16 and 17 of the report state as under

The fact remains that there is an imprimatur to the legal principle that the right to receive pension is recognised as a right in property' Article 300 A of the Constitution of India reads as under

*"300-A Persons not to be deprived of property save by authority of law— No person shall be deprived of his property save by authority of law '*

"Once we proceed on that premise the answer to the question posed by us in the beginning of this judgment becomes too obvious A person cannot be deprived of this pension without the authority of law which is the constitutional mandate enshrined in Article 300 A of the Constitution It follows that attempt of the appellant to take away a part of pension or gratuity or even leave encashment without any statutory provision and under the umbrage of administrative instruction cannot be countenanced '

27 That the Hon'ble Justice V R Krishna Iyer speaking for the Supreme Court in the matter of The Straw Board Manufacturing Co Ltd v Its Workmen held as under

Gratuity for workers is no longer a gift but a right It is a vague humanitarian expression of distributive justice to partners in production for long meritorious service '

28 That I was charge sheeted under Rule 7 of the Haryana Civil Services (Punishment & Appeal) Rules, 2016 vide Memo No 11/03/2017 ITE dated 31 07 2017 and not dated 16 03 2018 as mentioned in the show cause notice That the quantum of punishment of imposing 5 % cut in my pension is totally arbitrary as no such rule is mentioned in the show cause notice for this very heavy quantum of punishment which is total violation of Haryana Civil Services (Punishment & Appeal) Rules, 2016 For a very trivial consequential lapse so much heavy "arbitrarily" punishment is against all the laws of natural justice of the land I very strongly oppose the "arbitrarily" proposed punishment as there is no such rule in Haryana Civil Services (Punishment & Appeal) Rules 2016 for imposing a punishment of 5% cut in pension The punishment proposed is totally arbitrary and illegal

29 That the arbitrariness in state actions is violative and contrary to the article 14 of the Fundamental Rights of the Constitution of India as observed by a bench of justices of Supreme Court of India Ray, A N (CJ), Palekar, D G Chandrachud, Y V, Bhagwati, P N, Krishnayer, V R in the case of E P Royappa vs State Of Tamil Nadu & Anr on 23 November, 1973





'Equality is a dynamic concept with many aspects and dimensions and it cannot be "cribbed cabined and confined" within traditional and doctrinaire limits. From a positivistic point of view, equality is antithetic to arbitrariness. In fact, equality and arbitrariness are sworn enemies: one belongs to the rule of law in a republic while the other, to the whim and caprice of an absolute monarch. Where an act is arbitrary it is implicit in it that it is unequal both according to political logic and constitutional law and is therefore violative of Art 14'

30 That the Article 14 strikes at arbitrariness in State action as observed by a Bench of Supreme Court of India justices Beg, M Hameedullah (CJ), Chandrachud, Y V, Bhagwati, P N, Krishnaier, V R. & Untwaha, N L, Fazalali, S M & Kailasam, in the famous *Maneka Gandhi vs Union of India* case that came on 25 January 1978 as follows

We must reiterate here what was pointed out by the majority in *E P Royappa v State of Tamil Nadu & Another* (1) namely that "from a positivistic point of view equality is antithetic to arbitrariness. In fact, equality and arbitrariness are sworn enemies: one belongs to the rule of law in a republic while the other to the whim and caprice of an absolute monarch. Where an act is arbitrary it is implicit in it that it is unequal both according to political logic and constitutional law and is therefore violative of Article 14"

Article 14 strikes at arbitrariness in State action and ensures fairness and equality of treatment. The principle of reasonableness which legally as well as philosophically is an essential element of equality or non arbitrariness pervades Article 14 like a brooding omnipresence and the procedure contemplated by Article 21 must answer the test of reasonableness in order to be in conformity with Article 14. It must be "right and just and fair and not arbitrary fanciful or oppressive"

31 That a bench of Supreme Court of India justices B N Kirpal, K G Balakrishnan, Arijit Pasayat in the case *M/S Sharma Transport vs Government of Andhra Pradesh* Civil Appeal No 4998 of 2000 observed as follows

The expression 'Arbitrarily' means in an unreasonable manner as fixed or done capriciously or at pleasure without adequate determining principle not founded in the nature of things non rational not done or acting according to reason or judgment depending on the will alone"

The above said Show cause notice was replied by me vide reply dated 13/08/2019 and supplementary replies dated 4/11/2019 and 13/02/2020 (sent to the department through registered posts) vide which I had mentioned relevant *The Haryana Civil Services (Government Employees Conduct) Rules 2016* and *the Haryana Civil Services (Punishment and Appeal) Rules 2016* and the Constitutional Laws along with directives of the Supreme Court of India in different cases and found that both the Charge sheet dated 31/07/2017 and the Show cause notice issued dated 28/06/2019 for imposing an arbitrary punishment of 5 % cut in my pension are null and void and liable to be withdrawn being in violation of Haryana Government Civil Services rules and in contravention to the Articles 14, 20 and 21 of the Fundamental Rights of The Constitution of India and the directives of the Supreme Court of India. I had also requested to release my Pension Commutation and Gratuity of Rs. 49.29 Lacs

(Pension Commutation 29 29 Lacs and Gratuity 20 00 Lacs) along with interest of delayed payment which has been withheld for more than two years but the same has not been released till to date

in view of the submissions made above and the Honorable Supreme Court observations and directions you are kindly requested to give directions to the Technical Education Department to file and withdraw the Charge sheet dated 31 07 2017 and Show cause notice issued dated 28 06-2019 and release my Pension Commutation and Gratuity of Rs 49 29 Lacs ( Pension Commutation 29 29 Lacs and Gratuity 20 00 Lacs ) which has already been withheld for more than two years

Yours sincerely

Dated/17 02 2020

Sd  
(Rajbir Singh Kadian)  
Retired Principal House No 1868  
Sector - 3 Rohtak

The Petition/Representation was placed before the Committee in its meeting held on 14 07 2020 and the Committee considered the same and decided that said petition/representation be sent to the concerned department for sending their comments/reply within a period of 10 days The Committee doesn't receive any comments/reply from the department The reminder was sent to department on dated 13 08 2020 Thereafter the Committee received reply from the concerned department which reads as under

To

The Secretary  
Haryana Vidhan Sabha  
Chandigarh

**Subject Non payment of my Gratuity and Pension Commutation of Rs 49 29 lacs**

In reference to letter No HVS/Petition/14/697/2020 21/8708 dated 15 07 2020 on the subject noted above

The reply of the Department in annotated form on the representation is as under -  
**Background note of the case**

- 1 A complaint against Sh Rajbir Kadian the then Principal Govt Polytechnic, Jhajjar was received regarding obtaining the citizenship of Canada without following the rules of Haryana Government and visit to Canada in 2006 without permission from competent authority
- 2 The preliminary fact finding enquiry in the complaint was got conducted by SDM Jhajjar whereby it was found that Sh Rajbir Kadian the then Principal Govt Polytechnic, Jhajjar had availed journey without permission so disciplinary action against him is to be initiated



- 3 The Government approved initiation of disciplinary proceedings for imposing of major penalty and accordingly chargesheet under 7 was issued to him vide No 11/03/2017 ITE dated 31 07 2017
  - 4 Sh Rajbir Kadian submitted the reply of the chargesheet through Principal Govt Polytechnic Sirsa which was received vide memo No 512 dated 19 09 2017. The reply of the chargesheet was examined by the Department and was found not satisfactory
  - 5 Sh Narendar Kumar Wadhwan was appointed as Inquiry Officer to conduct regular inquiry in this matter
  - 6 The Inquiry Officer submitted its report whereby the charges mentioned in the chargesheet are fully proved against Sh Rajbir Kadian
  - 7 The inquiry report alongwith the chargesheet was forwarded to the delinquent
  - 8 The personal hearing was granted to the delinquent by the then W/ACSTE on 18 02 2019. After that a show cause notice as to 'why a cut in pension of 5% should not be imposed in view of the inquiry findings and accordingly a show cause notice was issued to him. The reply of the show cause notice was also submitted by the delinquent however no new facts were given by the delinquent while replying the show cause notice
  - 9 An order to impose a cut in 5% in pension was issued to him
  - 10 Sh Rajbir Kadian retired from the Govt. service on 31 12 2017 at the time of his retirement he was chargesheeted under rule 7
  - 11 The pension case of Sh Rajbir Kadian, Principal (Retd) was sent to AG Haryana vide this office memo No 5910/Admn I dated 09 10 2017 and 6071/Admn I dated 01 12 2017 vide which it was also mentioned that a chargesheet under rule 7 is pending against him
  - 12 The AG Haryana intimated that a clear cut order may be sent to the office for releasing the above benefits and the status of the chargesheet may also be mentioned
  - 13 The relevant rules in this regard is Haryana Civil Service (Pension Rules), 2016 (Chapter IX procedure relating to pension) on that case where proceedings are pending at the time of retirement
- 81 Provisional pension only where proceedings are pending at the time of retirement**
- (1) (a) In respect of a Government employee against whom Department or judicial proceedings are pending at the time of retirement, the Principal Accountant General (Accounts & Entitlement) Haryana shall authorize the provisional pension equal to the maximum pension which shall have been admissible on the basis of qualifying service up to the date of retirement of the Government employee or if he was under suspension on the date of retirement up to the date of



immediately preceding the date on which he was placed under suspension

- (b) The provisional pension shall be authorized by the Principal Accountant General (Accounts & Entitlement) Haryana during the period commencing from the date of retirement up to and including the date on which, after the concluding of departmental or judicial proceedings Final orders are passed by the competent authority
- (c) No gratuity and commuted value of pension shall be authorized to the Government employee until the conclusion of the departmental or judicial proceedings and issue of final orders thereon

**Note-** This provision shall also be applicable where

- (i) *the departmental proceedings under Rule 8 of Haryana Civil Services (Punishment and Appeal) Rules 2016 involving any financial loss to Government are pending at the time of retirement*
- (ii) *any complaint against the Government employee pertaining to his dishonesty is pending in State Vigilance Bureau, Lokayukta or in any Government Investigation Agency at the time of retirement.*
- (2) Payment of provisional pension made under sub rule (1) (a) shall be adjusted against final Pensionary benefits sanctioned to such Government employee upon conclusion of such proceedings but no recovery shall be made where the pension finally sanctioned is less than the provisional pension or the pension is reduced or withheld either permanently or for a specific period

**Note** Where any complaint against a Government employee is pending in the office of Lokayukta Haryana shall be given Pensionary benefits after consultation with the Lokayukta

- 14 In reference to the representation of Sh Rajbir Kadian regarding non payment of gratuity the Government vide memo No 44/44/2018 1TE dated 28 08 2018 decided to withheld 20% of DCRG and commuted value of pension is also stopped
- 15 The office of Accountant General (A&E) Haryana Chandigarh was also informed about the decision of the Government vide memo No 9485 dated 30 08 2018
- 16 In reference to the above correspondence the office of Accountant General (A&E) vide letter dated 11 01 2019 informed that as per no gratuity as per Haryana Civil Services (Pension) Rules 2016 (Rule 81 c) no gratuity and the commuted value of pension shall be authorized to the Government employee until the conclusion of the department or judicial proceedings and issue of final orders



**Additional facts about another contemplated disciplinary proceedings**

- 17 A complaint against Sh Rajbir Kadian was also received in the Department regarding financial scam, embezzlement, irregularities in student fund and government fund at Government Polytechnic Jhajjar
- 18 A departmental inquiry was conducted against Sh Rajbir Kadian and the inquiry report was submitted vide U O No 456 dated 21 09 2018 vide which the committee recommended certain recoveries from the delinquent.
- 19 On the basis of inquiry report the State Government approved the disciplinary proceedings under rule 7 against Sh Rajbir Kadian
- 20 The draft chargesheet was forwarded to the Law & Legislative Department for vetting
- 21 The Law & Legislative Department vide U O No 4699 C(19)DA Op Br 19/334 dated 25 09 2019 informed that the events of the omission & commission of the delinquent in the draft chargesheet has been mentioned as from 13 07 2006 to 08 01 2011 therefore more than 4 years have lapsed and as per rule 12(2)(b) of the Haryana Civil Services (Pension) Rules 2016 that in a case in which the event is more than 4 years old the departmental proceedings cannot be initiated against the delinquent after his retirement Further the A D is advised that in case of expiry of above prescribed period of 4 years, in respect of retired employee the only remedy as available with A D is to file a civil suit for effecting recovery from the hearing officer for realization of the loss caused to the government if the department is having sufficient proof and evidence in the record to prove the charge of causing loss to the state exchequer against the delinquent officer
- 22 As per the advised of the Law and Legislative Department the Principal Government Polytechnic Jhajjar was directed to submit a report regarding sufficient proof and evidence in the record to prove the charge of causing loss to the state exchequer against the delinquent officer
- 23 The Principal submitted the reply via email dated 22 07 2020

**Reply/comments on the representation in annotated form**

| Sr No | Representation  | Comments/ Reply Department of the department  |
|-------|---|---|
| 1     | That I retired as Principal from Government Polytechnic for Women Sirsa on 31 12 2017 after serving more than 35 years in the Technical Education Department Haryana on various posts of lecturer Senior lecturer Head of Department and more than 12 years on the post of Principal And the whole of my service record was fully unblemished | Sh Rajbir Kadian served in the Technical Education Department on the various posts such as lecturer / Senior lecturer/HOD /Principal He was retired on 31 12 2017 |



|   |   |  |
|---|---|--|
| 2 | <p>That the Government issued charge sheet to me under rule 7 vide memo No 11/03/2017 ITE date 31 07 2017 for going to Canada from 16 11 2006 to 24 11 2006 (9 days) The mere allegation against me is that I violated Government instruction dated 13 09 2005 of taking prior permission before going abroad The Government instruction dated 13 09 2005 was neither available in any of the Government Polytechnic office records as it was never circulated to the Government Polytechnic nor it was incorporated in any Haryana Civil Rules or in any Compendium of Government Instructions I have been charge sheeted under Rule 7 at the time of my retirement for a 11 years old a very little trivial issue which is totally illegal unjustified and unreasonable</p> | <p>In reply to the points from Sr No 2 to 12 it is submitted that Sh. Rajbir Kadian was served chargesheet under rule 7 vide No 11/03/2017 ITE dated 31 07 2017 regarding his visit to Canada without prior approval of competent authority and violation of government instructions dated 13 09 2005 after the preliminary fact finding enquiry from SDM Jhajar After the non satisfactory reply of Sh Rajbir Kadian a regular independent inquiry was got conducted by Sh Narendar Kumar Wadhwan All the issues raised in these points by the delinquent are the part of the inquiry proceedings The Inquiry Officer in his final report fully proved the charges mentioned in the chargesheet against Sh Rajbir Kadian</p> <p>The copy of inquiry report was forwarded to the delinquent for the comments and after that personal hearing was given to him by the then W/ACSTE on 18 02 2019 After that a show cause notice regarding 5% cut in the pension was served to him The reply of the show cause notice was found not satisfactory and accordingly a penalty of imposing a cut of 5% in the pension was imposed upon him vide order dated 27 02 2020</p> |
| 3 | <p>That the charges imposed upon me through the charge sheet dated 31 07 2017 are reproduced here</p> <p>(i) "7 remained on casual leave from 16 11 2016 to 22 11 2016 and visited Canada without getting prior</p>   |  |



|   |   |  |
|---|---|--|
|   | <p><i>permission approval of the competent authority as per Government instructions dated 13 10 2005 and as such committed an act unbecoming of Government officer and further committed dereliction of official duty and violated the provisions of rule 4 (1) of The Haryana Civil Services (Government Employees Conduct) Rules 2016 and Government instructions dated 13 10 2005"</i></p> <p>(ii) <i>"The lapse detailed above constitute grave misconduct on my part rendering me liable for strict disciplinary action under rule 7 of the Haryana Civil Services (Punishment and Appeal) Rules 2016"</i></p> |  |
| 4 | That I submitted the reply of the above said charge sheet on 19 09 2017   |  |
| 5 | That the Govt appointed the enquiry officer to conduct the departmental enquiry and the enquiry officer submitted his report to the Govt on 16 01 2018  |  |
| 6 | That the Govt conveyed the departmental enquiry report to me vide memo No 11/03/2017 ITE dated 16 03 2018 for submitting representations in response to the enquiry report  |  |
| 7 | That I submitted the representation to the Govt in response to the departmental enquiry report on 14 04 2018  |  |
| 8 | That Sh Kuldeep Singh Jamwal Joint Director (Administration) and Presenting Officer of the Government admitted and submitted before the Enquiry Officer that these instructions dated 13 09 2005 had not been sent for endorsed to the Govt Polytechnics and these instructions dated 13 09 2005 are also contained/ incorporated in Haryana Civil Services (Government Employees Conduct) Rules 2016 or any earlier Haryana Civil Services (Government Employees Conduct) Rules  |  |

|    |   |  |
|----|---|--|
| 9  | <p>That the two witness in this case Sh Mukesh Chadha, the then Principal Govt Polytechnic Jhajjar (now retired) and Sh Lalit Verma, Principal Govt Polytechnic Nilokheri also admitted before the Enquiry Officer that they had also not seen these instructions dated 13 09 2005 in their more than 30 years of service in this Department</p>  |  |
| 10 | <p>That I have been charge sheeted under the act and conduct of 'Grave Misconduct' of the provisions of Haryana Civil Services (Government Employees Conduct) Rules 2016 but there is no such word of 'Grave Misconduct' found/contained under the act and conduct category of Haryana Civil Services (Government Employees Conduct) Rules 2016 whereas this act and conduct does not fall even in the category/definition of 'Misconduct' as mentioned in 19 misconduct sub rules of Rule 5 (Act and Conduct which amount to misconduct) of Haryana Civil Services (Government Employees Conduct) Rules 2016 If this act and conduct would have been 'Grave Misconduct' then it must have definitely been incorporated in Haryana Civil Services Rules but it is not so This clearly shows that this is not the case for issuing charge sheet under rule 7 but a very little trivial issue has been too much exaggerated</p> |  |
| 11 | <p>That Sh Kuldeep Singh Jamwal Joint Director (Administration) and Presenting Officer of the Government also admitted before the Enquiry Officer that there was no Financial loss suffered by the Govt in this case but even then my Pension Commutation and Gratuity of Rs 49 29lacs has been withheld for more than two years for a very little trivial issue which is totally illegal unjustified and unreasonable</p>  |  |
| 12 | <p>That my little visit to Canada from 16 11 2016 to 24 11 2016 (9 days) has not caused any type of financial loss to the Government All the expenditure for going to Canada was incurred by me I neither got any financial benefits in Canada nor I was indulged in any unlawful activity But my exposure to Canada has been great valuable and useful in view of the teaching and guidance to the students during my service</p>  |  |





|    |  |   |
|----|--|---|
| 13 | That a show cause notice dated 29 06 2019 for imposing 5% cut in my pension has been served upon me in lieu of charge sheet dated 31 07 2017   |   |
| 14 | That the charges imposed upon me through the charge sheet dated 31 07 2017 are reproduced here'  |   |
| 15 | <p>(i) <i>"I remained on casual leave from 16 11 2016 to 22 11 2016 and visited Canada without getting prior permission approval of the competent authority as per Government instructions dated 13 10 2005 and as such committed an act unbecoming of Government officer and further committed dereliction of official duty and violated the provisions of rule 4 (1) of The Haryana Civil Services (Government Employees Conduct) Rules 2016 and Government instructions dated 13 10 2005"</i></p> <p>(ii) <i>"The lapse detailed above constitute grave misconduct on my part rendering me liable for strict disciplinary action under rule 7 of the Haryana Civil Services (Punishment and Appeal) Rules 2016"</i></p> |   |
| 16 | <p>That the Haryana Civil Services (Government Employees Conduct) Rules 2016 were notified on 19<sup>th</sup> July, 2016 and the very first provision of these rules i.e rule 1(2) states that "These rules shall be deemed to have come into force from 19<sup>th</sup> July, 2016"</p> <p style="text-align: center;">and</p> <p>the Haryana Civil Services (Punishment and Appeal) Rules 2016 were notified on 19<sup>th</sup> July 2016 and the very first provision of these rules i.e rule 1(2) states that "These rules shall be deemed to have come into force from 19<sup>th</sup> July, 2016"</p>  | <p>In reply to the contents of point No 16 to 18 it is submitted that the chargesheet was issued to the delinquent vide No 11/03/2017-ITE dated 31 7 2017 under the provisions of Haryana Civil Services (Punishment and Appeal) Rules 2016 Due procedure was followed while dealing with the said chargesheet. Due opportunity was given to the delinquent in front of the Inquiry Officer The copy of the Inquiry Officer was also forwarded to him Personal hearing was also granted to him and even the show cause notice was issued to him before imposing the final penalty</p> |

|    |   |  |
|----|---|--|
| 17 | <p>That both the Haryana Civil Services (Government Employees Conduct) Rules 2016 and the Haryana Civil Services (Punishment and Appeal) Rules 2016 came into force from 19<sup>th</sup> July 2016 (10 years after the commitment of the act of going abroad on 16 11 2016)</p> <p>And thus both the Rules cannot be retrospectively applied on the act committed on 16 11 2016 and hence both the charge sheet dated 31 07 2017 and show cause notice issued dated 28 06 2019 are null and void and liable to be withdrawn</p>   |  |
| 18 | <p>That for an act committed on 16 11 2006 the retrospective effect of Rule 7 of the Haryana Civil Services (Punishment and Appeal) Rules 2016 which came into force from 19<sup>th</sup> July 2016 for the issue of charge-sheet dated 31 07 2017 and Show cause notice issued dated 28 06 2019 are contrary and violation of the Fundamental Rights Part III, Clause (1) Article 20 of the Constitution of India which states that</p> <p><b>"No person shall be convicted of any offence except for violation of a law in force at the time of the commission of the act charged as an offence, nor be subjected to a penalty greater than that which might have been inflicted under the law in force at the time of the commission of the offence"</b></p> <p>And hence both the charge-sheet dated 31 07 2017 and Show cause notice issued dated 31 07 2017 being in contravention to the Fundamental Rights are liable to be set aside</p> |  |
| 19 | <p>In Satwant Singh Sawhney vs D Ramarathnam's case of year 1967 AIR 1836 Supreme Court of India Ruled, by majority</p> <p>'That the expression personal liberty which occurs in <u>Art 21</u> of the Constitution includes the right to travel Abroad and that no person can be deprived of that right except according to procedure established by law The mere prescript ion of some kind of procedure cannot even meet the mandate <u>of Article 21</u> '</p> <p>It is worthwhile to mention here that the Government instruction dated 13 09 2005 is only an order of the government and not a procedure adopted by law and hence cannot meet the mandate of Article 21</p>  | <p>In reply to the point No 19 &amp; 20 of the representation it is submitted that Sh Rajbir Kadian Principal (Retd ) was a Government employee and for a Government employee it is necessary to seek permission to visit abroad as per instructions dated 13 09 2005 Moreover a detailed independent inquiry was got conducted in this regard</p> |



|    |  |  |
|----|--|--|
| 20 | <p>That the Supreme Court of India on 25 January 1978 in <b>Maneka Gandhi vs Union of India</b> case again held that the right to travel abroad as earlier held in <b>Satwant Singh</b> is within the scope of guarantees mentioned under <b>Article 21</b> of the Fundamental Rights of the Constitution of India</p>   |  |
| 21 | <p>That the Supreme Court on April 9 2019 in the case of <b>Satish Chandra Verma v Union of India</b>, has reiterated that right to travel abroad is an important basic human right A Bench comprising of Justices L. Nageswara Rao and M.R. Shah was hearing an appeal filed by IPS Officer Satish Chandra Verma who was denied permission to travel abroad in account of a pending departmental inquiry against him</p> <p>The appellant is an Inspector General of Police/Principal Central Training College Central Reserve Police Force at Coimbatore in Tamil Nadu In his appeal the appellant stated that a departmental inquiry is pending against him on account of which the Government of India denied him permission to take a private trip abroad The decision of the Government of India was upheld by Central Administrative Tribunal (CAT) and Madras High Court In this case the Supreme Court observed that</p> <p>"The right to travel abroad is an important basic human right for it nourishes independent and self determining creative character of the individual not only extending his freedoms of action but also by extending the scope of his experience"</p> <p>"The right also extends to private life marriage, family and friendship are humanities which can be rarely affected through refusal of freedom to go abroad and clearly shows that this freedom is a genuine human right</p> <p>Freedom to go abroad has much social value and represents the basic human right of great significance," the Judges held while allowing IPS Officer SC Verma's appeal against the decision of Madras Supreme High Court</p> <p>The Supreme Court also placed reliance on its judgment in the case of <b>Maneka Gandhi v</b></p> | <p>In reply to the point No 21 it is submitted that the referred case as no similarity with the instant case because in the instant case the permission/intimation was not sought by the delinquent which is violation of the rules/instructions</p> |

|    |  |  |
|----|--|--|
|    | <p><b>Union of India</b>, where the right to travel abroad was upheld and includes within the scope of the personal liberty of the Article 21 of the Fundamental Rights of the Constitution of India</p>   |  |
| 22 | <p>That in reply to the charge of visiting Canada from 16 11 2005 to 22 11 2005 without getting approval of the Government and violated Government instruction dated 13 09 2005' it is submitted that these government instructions dated 13 09 2005 were not circulated by the office of Director General Technical Education Haryana to the state Polytechnic offices and these facts were confirmed by Sh K S Jamwal Presenting Officer of the Government as well as both the Government witness Sh Lalit Verma Principal and Sh Mukesh Chadha Principal during the cross examination process of enquiry conducted by the enquiry officer Sh Narender Kumar Wadhawan IAS (Retired) and it was also mentioned in the enquiry report</p> <p>Para No 3 of the Government instruction dated 13 09 2005 is reproduced here They are requested p O that these instructions may be brought to the notice of all officers/officials under their control'</p> <p>From the above mentioned facts it is clear that the Government instruction dated 13 09 2005 were first violated by the office of Director General Technical Education Haryana by not bringing these instructions to the notice of all officers/officials under their control and so these instructions were got consequently violated on my behalf So it is not a lapse on my part but a consequential lapse in furtherance And to rectify this consequential lapse, I have applied through my representation dated 17 07 2019 (photocopy attached) for ex post facto sanction/permission for abroad visit and it is humbly requested that the necessary ex post facto permission for going abroad may kindly please be granted</p> | <p>In reply to the point No 22 it is submitted that the submission of the delinquent has already taken into consideration by the Inquiry Officer</p> |



|    |  |   |
|----|--|---|
| 23 | <p>That the Supreme Court of India in the matter of <b>State of Kerala and other v M Padmanabhan Nair</b> defined the meaning of gratuity and held as under</p> <p>"Pension and gratuity are no longer any bounty to be disbursed by the Government to its employees on their retirement but have become under the decisions of this Court valuable rights and property in their hands and any culpable delay in settlement and disbursement thereof must be visited with the penalty of interest at the current market rate till actual payment"</p>  | <p>The delinquent from Sr No 23 to 27 refereed the judgments of Hon'ble Apex Court regarding gratuity However as per Haryana Civil Service (Pension) Rules 2016 chapter IX procedure relation to pension on that cases where the proceedings are pending at the time of retirement as per rule 81 (c) "no gratuity and commuted value of pension shall be authorized to the Government employee until the conclusion of the Departmental or judicial proceedings and the issue of final orders thereon"</p> |
| 24 | <p>That the Hon'ble Justice P B Gajendragdkr speaking for the Supreme Court in the matter of the <b>Garment Cleaning works Bombay v The Workmen</b> defined the meaning of gratuity as under 'On principle if gratuity is earned by an employee for long and meritorious service it is difficult to understand why the benefit thus earned by long and meritorious service should not be available to the employee even though at the end of such service he may have been found guilty of misconduct which entails his dismissal Gratuity is not paid to the employee gratuitously or merely as a matter of boon It is paid to him for the service rendered by him to the employer, and when it is once earned it is difficult to understand why it should necessarily be denied to him whatever may be the nature of misconduct for his dismissal Therefore the general argument that in all cases where the service of an employee s terminated for misconduct gratuity should not be paid to him cannot be accepted to '</p> |   |

|    |  |
|----|--|
| 25 | <p>That likewise in the matter of <u>Ahmedabad (P) Primary Teachers' Assn v Administrative Office</u> Their lordships of the Supreme Court have explained the concept of gratuity and held as under</p> <p>"The main purpose and concept of gratuity is to held the workman after retirement whether retirement is a result of rules of superannuation or physical disablement or impairment of vital part of the body The expression "gratuity itself suggests that it is a gratuitous payment given to an employee on discharge superannuation or death Gratuity is an amount paid unconnected with any consideration and not resting upon it, and has to be considered as something given freely voluntarily or without recompense It is a sort of financial assistance to tide over post retrial hardships and inconveniences'</p>   |
| 26 | <p>That in a recent decisions in the matter of <u>State of Jharkhand and others v Jitendra Kumar Sirvastave and another</u> 8 the Supreme Court has held that pension and gratuity are not bounty property within the meaning of Article 300 A of the Constitution of India Paragraphs 16 and 17 of the report state as under</p> <p>'The fact remains that there is a imprimatur to the legal principle that the right to receive pension is recognised as a right in "property" Article 300 A of the Constitution of India reads as under</p> <p><b>"300 A. Persons not be deprived of property save by authority of law- No person shall be deprived of his property save by authority of law"</b></p> <p>'Once we proceed on that premise the answer to the question posed by us in the beginning of this judgment becomes too obvious A person cannot be deprived of this pension without the authority of law which is the constitutional mandate enshrined in Article 300 A of the Constitution It follows that attempt of the appelllant to take away a part of pension or</p> |

|    |  |   |
|----|--|---|
|    | gratuity or even leave encashment without any statutory provision and under the umbrage of administrative instruction cannot be countenanced"  |   |
| 27 | That the Hon'ble Justice V R Krishna Iyer speaking for the Supreme Court in the matter of <u>The Shaw Board Manufacturing Co Ltd V Its Workmen</u> held as under<br>"Gratuity for workers is no longer a gift but a right It is a vague humanitarian expression of distributive justice to partners in production for long meritorious service"  |   |
| 28 | That I was charge sheeted under Rule 7 Haryana Civil Services (Punishment and Appeal) Rules 2016 vide memo No 11/03/20017 ITE dated 31 07 2017 and not dated 16 03 2018 as mentioned in the show cause notice That the quantum of punishment of imposing 5% cut in my pension is totally arbitrary as no such rule is mentioned in the show cause notice for this very heavy quantum of punishment which is total violation of Haryana Civil Services (Punishment and Appeal) Rules 2016 For a very trivial consequential lapse so much heavy "arbitrarily" punishment is against all the laws of natural justice of the land I very strongly oppose the "arbitrarily" proposed punishment as there is no such rule in Haryana Civil Services (Punishment and Appeal) Rules 2016 for imposing a punishment of 5% cut in pension The punishment proposed is totally arbitrary and illegal | In reply to the point No 28 it is submitted that the Sh Rajbir Kadian (delinquent) was chargesheeted under rule 7 dated 31 07 2017 while he was in service He was retired from the service on 31 12 2017 The Haryana Civil Services Rules 2016 and Haryana Civil Services (Punishment & Appeal) Rules 2016 are applicable to the delinquent The punishment of 5% cut in pension imposed upon the delinquent is not arbitrarily but as per Haryana Civil Services (Pension) Rules 2016 As per the provisions contained in these rules the appointing authority deserves the rights of withholding or withdrawing a pension or any part of it whether permanently for a specific period If the person is found guilty of grave misconduct The decision of appointing authority on any question of withholding or withdrawing the whole or any part of the pension under these rules shall be final and conclusive |

|    |  |  |
|----|--|--|
| 29 | <p>That the arbitral mess in the state actions is violative and contrary to the article 14 of the Fundamental Rights of the Constitution of India as observed by a bench of justices of Supreme Court of India Ray, A N (Cj), Palekar, D G, Chandrachud, Y V Bhagwati, P N Krishnayer, V R in the case of E P Royappa vs State of Tamil Nadu &amp; Anr on 23 November, 1973</p> <p>'Equality is a dynamic concept with many aspects and dimensions and it cannot be "cribbed cabined and confined" within traditional and doctrinaire limits. From a positivistic point of view equality is antithetic to arbitrariness. In fact equality and arbitrariness are sworn enemies: one belongs to the rule of law in a republic while the other to the whim and caprice of an absolute monarch. Where an act is arbitrary it is implicit in it that it is unequal both according to political logic and constitutional law and is therefore violative of Art 14"</p> | <p>In reply to the point No 29 to 31 it is submitted that no fundamental right of the delinquent has been infringed by the department. Due procedure has been followed by the Department while deciding the chargesheet and imposition of penalty. The opportunity of being heard was also provided to the delinquent as per the rules</p> |
| 30 | <p>That the Article 14 strikes at arbitrariness in State action as observed by a Bench of Supreme Court of India justices Beg, M Hameedullah (Cj), Chandrachud, Y V , Bhagwati, P N Krishnayer, V R &amp; Untwalia, N L, Fazalali, S M &amp; Kaulasam, in the famous Maneka Gandhi vs Union of India case that came on 25 January 1978 as follows</p> <p>"We must reiterate here what was pointed out by the majority in <u>E P Royappa V State of Tamil Nadu &amp; Another</u> (1) namely that "from a positivistic point of view equality is antithetic to arbitrariness. In fact equality and arbitrariness are sworn enemies: one belongs to the rule of law in a republic while the other to the whim and caprice of an absolute monarch. Where an act is arbitrary it is implicit in it that it is unequal both according to political logic and constitutional law and is therefore violative of <u>Article 14</u>"</p>                                   |  |



|    |  |
|----|--|
|    | <p><u>'Article 14</u> strikes at arbitrariness in State action and ensures fairness and equality of treatment The principle of reasonableness which legally as well as philosophically, is an essential element of equality or non arbitrariness pervades Article_14 like a brooding omnipresence and the procedure contemplated by <u>Article 21</u> must answer the best of reasonableness in order to be in conformity with <u>Article 14</u> It must be "right and just and fair and not arbitrary fanciful or oppressive</p>  |
| 31 | <p>That A bench of Supreme Court of India justices B N Kirpal, K G Balakrishnan, Arjit Pasayat in the case M/S Sharma Transport vs Government of Andhra Pradesh Civil Appeal No 4998 of 2000 observed as follows</p> <p>'The expression 'Arbitrarily' means in an unreasonable manner as fixed or done capriciously or at pleasure without adequate determining principle not founded in the nature of things non rational not done or acting according to reason or judgment depending on the will along"</p> <p>The above said show cause notice was replied by me vide reply dated 13 8 2019 and supplementary replies dated 04 11 2019 and 13 02 2029 (sent to the department through registered posts) vide which I had mentioned relevant The Haryana Civil Services (Government Employees Conduct) Rules 2016 and the Haryana Civil Services (Punishment and Appeal) Rules 2016 and the Constitutional Laws along with directives of the Supreme Court of India in different cases and found that both the Charge sheet dated 31 07 2017 and the show cause notice issued date 28 06 2019 for imposing an arbitrary punishment of 5% cut in my pension are null and void and liable to be withdrawn being in violation of Haryana Government Civil Services Rules and in contravention to the Articles 14, 20 and 21 of the Fundamental Rights of The Constitution of</p> |

|  |  |  |
|--|--|--|
|  | <p>India and the directives of the Supreme Court of India I had also requested to release my pension Commutation and Gratuity of Rs 49 29 lacs (Pension Commutation 29 29 lacs and Gratuity 20 00 lacs) along with interest of delayed payment which has been withheld for more than two years but the same has not been released till to date</p> |  |
|--|--|--|

**Memorandum/Appeal to Hon'ble Governor of Haryana (Annexure XV)**

It is further submitted that Sh Rajbir Kadian has also filed an appeal against the arbitrarily and unconstitutional Government orders dated 27 02 2020 for imposing a cut of 5% in pension The reply to the memorandum has also been filed by the Department

**CWP No 10433 of 2020 titled as Rajbir Kadian Vs State of Haryana & Others -**

Sh Rajbir<sup>1</sup> Kadian has also filed above CWP in the Hon'ble High Court with the prayer to issue a writ in the nature of Mandamus thereby directing the Respondents to release the DCRG of the petitioner along with interest (5)12% p a from the date it became due till its realization and the Commuted Pension

Submitted for kind consideration and further necessary action please

Sd  
**Joint Director (Admn )**  
**for Director General Technical Education**  
**Haryana, Panchkula**

The reply submitted by departments is placed before the committee in its meeting held on 22 12 2020 After discussion it is held that the petition/representation is sub judice therefore the Committee has decided that the petition/representation is disposed of accordingly in its meeting held on 22 12 2020

**7 PETITION/REPRESENTATION FROM SH VIRENDER SINGH, H NO 164/1 GALI NO 1 KRISHNA NAGAR MODEL TOWN REWARI & OTHERS, REGARDING REQUEST FOR COMPLETION OF INCOMPLETE PROJECT SRS ROYAL HILLS PROJECT, SECTOR 26 REWARI BY ANY GOVERNMENT AGENCY OR BY ANY OTHER AGENCY AS THE GOVT DEEMS FIT, WHICH READS AS UNDER -**



To

The Chairman  
Petition committee Haryana Vidhan Sabha  
Chandigarh

**Sub - Request for completion of incomplete project SRS Royal Hills project, sector-26 Rewari by any government agency or by any other agency as the govt deems fit**

Sir

Most Respectfully submitted

- 1 That we are the aggrieved flat buyers who invested our hard earned savings in the SRS Royal Hills Project Sector 26 Rewari
- 2 That the above named project has been promoted by M/s SRS Real Infrastructure Ltd Whose registered office is located at 3rd Floor SRS Tower Near Metro Station, Mewla Maharajpur G T Road Faridabad (HARYANA)
- 3 That the above named promoters gave advertisement in the local Newspapers and distributed attractive brochures wherein they promised a Housing Complex in the name of SRS Royal Hills Project Sector 26 Rewari and offered to build flats in three towers namely Tower A B&C having apartments of different sizes
- 4 That having attracted the attention of prospective buyers through the advertisements and having motivated them through the attractive brochures by showing well located apartments with rich specifications and a host of facilities/amenities to be provided in the Housing Complex the promoters succeeded in getting booking from the prospective buyers
- 5 That having collected the booking amounts which is nearly 10% of the cost of apartments and running into Lakhs of rupees the promoters also collected nearly 3-4 installments prior to executing the Buyers agreement and the buyers paid up in good faith however latter it became clear that it was with the mala fide intention and to trap the gullible buyers that the promoters belatedly executed the Buyers Agreement after collecting almost one third of the cost of the apartments as per above
- 6 That it is pertinent to mention here that operating under mala fide intention since inception the promoters stated under the Buyers Agreement that the flats shall be completed and delivered within four and half years from the date of execution of Buyers Agreement whereas the promoters executed Buyers Agreement with different Buyers on different date so much so that the gap between the execution of Buyers Agreement runs into more than 3-4 years also which means that the promoters were operating under mala fide intention to cheat the Buyers since inception



- 7 That in spite of paying diligently as per payment schedule the promoters failed to keep pace of construction so much that even after paying almost 100% cost of the apartments the promoter deliberately failed to complete the project on the site as per the Schedule. Rather no work is being done at the site for more than three years on the date of filing this representation, due to which the buyers are aggrieved as they are forced to live in rented houses and paying rent on the one hand and installment against the housing loan on the other hand
- 8 That further the promoters used sub standard construction material on the site in building the flats. In this regard a notice was also served upon them to allow the buyers to collect Samples of construction material from the site for lab testing but the promoters deliberately failed to respond to the said notice
- 9 That as per the Buyers Agreement the project was to be completed and flats complete in all respects were to be delivered for possession by January 2017 whereas work on the site came to a complete standstill almost more than three years in spite of collecting crores of rupees from the Buyers and on the date of filing this representation the project is far from completion as per above
- 10 That after collecting huge amount from the buyers the promoters have invested the same in furthering their own business interest and thus left hundreds of buyers in lurch and aggrieved

The aggrieved buyers majority of whom are from lower middle class background while many others are senior citizens who have invested their life time hard earned savings in this project have been running from pillar to post to find redressal of their grievances but to no avail and now they have approached yourself in the hope of finding relief and redressal of their grievances

- 11 That FIR No, 392 dated 29 06 2020, U/s 406/420/120B IPC, P S Model Town, Rewari has registered against the promoters of the company in this matter

#### **PRAYER**

In the light of above facts and circumstances it is most humbly prayed that necessary action may kindly be taken against the promoters

- 1 Now it has come to our notice through newspaper and media that many FIRs have been registered against promoters of this company and they are under arrest and they have initiated the insolvency process also. It seems that they are not in a position to complete this project so you are requested to take administrative action against the promoters and to pass order/direction to complete the project through NBCC or through any other Govt Agency or any other as the Govt deems fit and direct the promoters to pay 24% penal interest per annum since January 2017 as contemplated against late



**payment from buyers in the Buyers Agreement when the project was ought to have been completed and possession of flats delivered It is again submitted that there will be no financial loss to the Govt in case this project is completed by the Govt Agency of through any other agency**

- 2 To issue any other order/direction as deemed appropriate in the facts and circumstances shown to provide any other relief to the aggrieved Buyers

Filed by

Sd

Sh Virender Singh  
& others

The petition/Representation was placed before the Committee in its meeting held on 18 08 2020 and the Committee considered the same and decided that said petition/representation be sent to the concerned department for sending their comments/reply within a period of 10 days The Committee does not receive any comments/reply from the department The reminder was sent to the department on dated 7 09 20 The Committee does not receive any reply from the department It is come to the Knowledge of the Committee on petitions that the petition/representation is sub judice accordingly dispose of the petition/representation in its meeting held on 22 12 2020

- 8 **PETITION/REPRESENTATION FROM SH D P YADAV, PRESIDENT RESIDENT WELFARE ASSOCIATION, B 55, ANSAL TOWN REWARI AND OTHERS, REGARDING NONCOMPLETION OF WORKS IN ANSAL TOWN IN REWARI, WHICH READS AS UNDER -**

To

The Chairman  
Petition committee  
Vidhansabha Haryana

Respected Sir,

We the resident of Ansal Town Sector 19 Rewari most humbly wants to bring the following grievance in your knowledge for sympathetically consideration and redressal

- 1 That Ansal Town in Rewari has been developed by M/s Ansal Housing & Construction Ltd 15 UFG Indra Prakash 21, Barakhamba
- 2 Road New Delhi at present 2nd floor Ansal Plaza, Opposite Dabur Chowk, Vaishali(Ghaziabad) UP 201010
- 3 That a complaint to Hon'ble CM and all other dignitaries was lodged by RWA Ansal Town Rewari on 20th November 2016 against Mr Deepak Ansal K K Singhal and Ganesh Kukreti of AHCL and SEMS
- 4 Subsequent to complaint, its facts and finding a FIR No 146 dated 05/03/2017 was loged against Mr Deepak Ansal K K Singhal and Ganesh kukreti of

AHCL of AHCL and SEMS at P S Model Town Rewari U/S 420/406/384/34/506IPC To avoid further action by the police AHCL and SEMS (a subsidiary of AHCL) had entered into an agreement with RWA Ansal Town and its members on 8th June 2017 Wherein they have agreed to undertake the following work within 6 months

- I To strengthen the security arrangement of Ansal Town Rewari
  - II To provide quarterly financial report of collection and expenses related to maintenance of Ansal Town Rewari
  - III To provide space for community centre temple at Ansal Town, Rewari
  - IV To return back the enhanced EDC charges from the residents of Ansal Town Rewari
  - V To clear all illegal occupation which has disrupted the road connectivity at Ansal Town Rewari
  - VI To repair all the roads of Ansal Town Rewari
- 5 More than two years were passed and no action to complete the above points were taken by AHCL and SEMS Though the said agreement was signed on india Non judicial stamp paper by the hole time director Mr Kushagra Ansal of AHCL and Mr Sabu Thomas authorized signatory of SEMS but still no action was taken by the said authorities deposite of sending several reminders to them The copy of settlement deed is attached
- 6 Betrayed by the management of AHCL and SEMS RWA Ansal Town Rewari was forced to request Hon ble Chief Minister of Haryana again through their letter dated 09 09-2019 accepted under our grievance No (MOFF/N/2019 109346 through CM Window No timely action was taken by the concerned police staff thereafter RWA Ansal Town had to approach the District Grievance Committee Rewari for getting a FIR Lodged against the management of Ansal Town Rewari thus a FIR No 0052 was Lodged on 28 01 2020 After getting this FIR Lodged the member of RWA Ansal Town Rewari were hopeful of getting some Justice but till now no action is taken against the management of AHCL and SEMS by the police and all other concerned authorities hence all the points/work agreed in the agreement dated 8th June 2017 are pending till now

Therefore we request your honour to kindly order appropriate action against the bulder and oblige

Thanking you  
Yours Faithfully  
President/All member of RWA Ansal Town Rewari

Sd  
President  
Resident Welfare Association  
Ansal Town Rewari (Haryana)



The Petition/Representation was placed before the Committee in its meeting held on 01 09 2020 and the Committee considered the same and decided that said petition/representation be sent to the concerned department for sending their comments/reply within a period of 10 days. The Committee was received the reply from the Ansal Housing Limited on dated 7 12 2020 which reads as under

To

The Under Secretary  
Haryana Vidhan Sabha,  
Chandigarh

Sub - Reply to the petition bearing No HVS/PETITION/14/717/2020 21/  
12298 99

Respected Sir

This is in reference to the notice issued by your good offices in regard to the complaint filed by Mr D P Yadav presenting himself the president of resident welfare association

It is pertinent to point out here without prejudice to what is stated below that the allegations of Mr DP Yadav against the company are false and purely based on malafide intention to get the maintenance waiver on the total outstanding of dues towards him. The total maintenance dues towards him are amounting Rs 7 90 036

Furthermore Mr DP Yadav has not submitted any document providing details of election conducted at the site namely Ansal Town Rewari. There is no documentary proof showing that he is representing all the residents of the colony

The frivolous claims levelled by the complainant were previously raised before Police station Rewari resulting in FIR. Hereafter a settlement agreement was reached between complainant and company wherein several conditions were agreed between both the parties. Company looking into the proposal of amicable settlement agreed for the demands raised by the complainant thereafter company completed the work as agreed between the parties. In order to buy peace these works were completed by the company beyond the scope of allotment agreement.

That after adhering to the conditions of settlement agreement by company the complainant instead of clearing the agreed outstanding dues approached the police station levelling false allegation resultantly another FIR was registered by police station Rewari on the same grounds.

That the complainant so called president of RWA agreed to adhere the conditions of settlement agreement by never complied with the terms of settlement as they did not come forward to clear the outstanding amount due towards the maintenance agency. That there is an outstanding amount of Rs 2 Crores till date pending towards the allottees of the society.

That the completion certificate dated 8/11/17 was also issue to the company by the department of town and country planning Haryana

That the Hon'ble high court of Punjab and Haryana in petition bearing number CRM M No 37158 of 2020 has taken cognizance in the FIR filed by the above said complainant and has referred the case to mediation dated 11/12/2020 and the report of the same is to be submitted by mediator before next date of hearing that is 15/12/2020

In, view of the above submissions it is requested to kindly dismiss the complaint filed by the complaint as the matter is already pending before Hon'ble High Court of Punjab and Haryana

Through

-Sd

Authorized Representative

After considering the reply the committee decided that the petition is sub judice and accordingly dispose of the petition/representation is its meeting held on 22 12 2020

**9 PETITION/REPRESENTATION RECEIVED FROM SMT RAJSHEE MOTHER OF SH MANOJ KHANDELWAL, REGARDING ALLOTMENT OF HOUSE ON MEDICAL GROUND, WHICH READS AS UNDER -**

सेवा मे

चयरमेन  
याचिका समिति  
हरियाणा विधानसभा सचिवालय  
चण्डीगढ।

**विषय— मैडीकल कोटे द्वारा मकान देने बारे।**

श्रीमान जी

मै राजश्री माता श्री मनोज कुमार खडेलवाल जाकि हरियाणा विधानसभा मे सहायक के पद पर कार्यरत है तथा मै अपने बेटे के साथ रहती हूँ, आपके सज्जान मे लाना चाहती हूँ कि मै पिछले कई साला से भयकर बिमारियो (शुगर व टी0बी0) से ग्रस्त हूँ जिसके परिणामस्वरूप मेरे पुत्र ने मैडीकल ग्राउन्ड पर हाउस अलॉटमेंट कमेटी मे मकान अलॉट करने की प्रार्थना दिनांक 29-07-2019 को दी थी। मैडीकल ग्राउन्ड पर मकान अलॉट कराने सबधी मेरे प्रार्थना पत्र को हाउस अलॉटमेंट कमेटी की तरफ से डॉयरेक्टर जनरल हैल्थ को मैडीकल ट्रीटमेंट को सत्यापित करने सबधी पत्र भेजा गया था जोकि पात्र पाया गया जोकि मेरे प्रमाण पत्र के साथ सलग्न हे। मेरे पुत्र का नाम मैडीकल कोटा लिस्ट मे टाईप-2 सैक्टर-39 बी0 मे प्रथम है।

हाउस अलॉट कमेटी द्वारा बार बार यह कहा जाता था कि जब कोई मैडीकल कोटे का मकान खाली हो जायेगा तो आपको मकान अलॉट कर दिया जायेगा लेकिन जब भी मैडीकल कोटे का मकान खाली होता है तो मैडीकल कोटे का मकान हमे अलॉट न करके



किसी अन्य व्यक्ति को अलॉट कर दिया जाता है और अब यह कहा जा रहा है कि मैडीकल कोटे की श्रेणी सबधी कोई अलग से मकान होता ही नहीं है। अतः आप जनाब से प्रार्थना है कि मेरे पुत्र को मैडीकल कोटे का मकान जल्द से जल्द आवंटित किया जाये।  
धन्यवाद सहित।

भवदीय

हस्ता  
(राजश्री)

माता श्री मनोज खडेलवाल

The Petition/Representation was placed before the Committee in its meeting held on 25 01 2020 and the Committee considered the same and decided that said petition/representation be sent to the concerned department for sending their comments/reply within a period of 15 days. The Committee does not receive any comments/reply from the department. Reminder was sent to the department for comments/reply on dated 18 02 2020. The Committee received a letter from the petitioner and stated that her grievance was resolved and she thanked the Committee. The letter received from the petitioner is reads as under

सेवा मे

चेयरमैन याचिका समिति  
हरियाणा विधानसभा चण्डीगढ़।

विषय— समस्या के निपटान करने के उपलक्ष में धन्यवाद करने बारे।

श्रीमान जी

निवेदन है कि उपरोक्त विषयानुसार आप से अनुरोध है कि मैं राजश्री माता श्री मनोज कुमार जोकि हरियाणा विधानसभा में असीसटैट है। मैंने अपनी समस्या के सबध में विधानसभा Petition Committee को सरकारी मकान हेतू मेडिकल कोटे द्वारा मकान देने बारे में एक याचिका दी थी। जिसका निपटारा Petition Committee द्वारा सज़ान लेने के बाद हो गया है।

इस कार्य हेतू आपकी कमेटी के सभी सदस्यगण का मैं तह दिल से बहुत-बहुत धन्यवादी हूँ। मैं आपकी अति आभारी हूँ।

प्रार्थी

हस्ता  
राजश्री

851/25 प्रभुनगर सोनीपत

The Committee considered the application of petitioner in its meeting held on 23 02 2021 and accordingly disposed of the petition/ representation

**10 PETITION/REPRESENTATION RECEIVED FROM SH. SUMIT KUMAR, NIS QUALIFIED, HANDBALL COACH (GIRLS) DAV POLICE PUBLIC SCHOOL, ADJOINING JAIL COMPLEX, SUNARIAN ROHTAK REGARDING GRANT OF SALARY, WHICH READS AS UNDER**

**To**

The Chairman  
Committee on Petition  
Haryana Vidhan Sabha  
Chandigarh

**Sub For Grant of Salary**

**Sir**

Most Humbly I want to state that I Sumit Kumar was posted at DAV Police Public School Sunaria Rohtak as the handball coach (girls) for Government Golden Jubilee Sports Nursery My service to the sports nursery was given from 18/12/2017 to 31/03/2018 Regarding this Government of Haryana had transferred the amount of Rupees 49 838/ to account of DAV Police Public School Sunaria as my salary which was not given to me So I would like to request you to help me with same

Thank You

Regards

Sd

Sumit Kumar NIS qualified  
Handball Coach (Girls)

The Petition/Representation was placed before the Committee in its meeting held on 04 02 2020 and the Committee considered the same and decided that said petition/representation be sent to the concerned department for sending their comments/reply within a period of 10 days The Committee received reply from the concerned department which reads as under

**To**

The Under Secretary  
Haryana Vidhan Sabha Secretariat  
Chandigarh

**Sub Regarding grant of Salary**

कपया उपरोक्त विषय के सम्बन्ध मे आपकी सेवा मे लिखा जाता है कि खेल एव युवा कार्यक्रम विभाग हरियाणा द्वारा डी0ए0वी0 पुलिस पब्लिक स्कूल सुनारिया मे दिनांक 18-12-2017 से हैण्डबाल (लडकियां) खेल की नर्सरी चलाई गई थी। जिसमे शिक्षण सस्था द्वारा श्री सुमित कुमार को प्रशिक्षक नियुक्त किया गया था। विभागीय आदेशानुसार इस कार्यालय द्वारा उक्त प्रशिक्षक के दिनांक 18-12-2017 से 31-03-2018 तक की अवधि के मासिक मानदेय की राशि 49838/-रुपये का भुगतान आर0टी0जी0एस0 के माध्यम से शिक्षण सस्था के बैंक खाता न0-07412191020270 मे दिनांक 21-05-2018 को कर दिया गया था इसके पश्चात श्री सुमित कुमार हैण्डबाल नर्सरी प्रशिक्षक द्वारा दिनांक 20-12-2019 को

कार्यालय में प्रार्थना पत्र दिया गया कि शिक्षण सस्था द्वारा उसे दिनांक 18-12-2017 से 31-03-2018 तक की अवधि के मासिक मानदेय की राशि 49838/-रूपये का भुगतान अभी तक नहीं किया गया है जिसकी प्रति साथ सलग्न है। इस सम्बन्ध में इस कार्यालय द्वारा पत्र क्रमांक 2160 दिनांक 20-12-2019 के तहत शिक्षण सस्था को पत्र भेजकर लिखा गया कि आप उक्त प्रशिक्षक को मानदेय की राशि 49838/-रूपये का भुगतान करके रसीद इस कार्यालय में भिजवाये। यदि आपकी शिक्षण सस्था को प्रशिक्षक को राशि का भुगतान करने में कोई आपत्ति है तो उक्त राशि वापिस जिला खेल कार्यालय रोहतक में जमा करवाये इसके उपरान्त शिक्षण सस्था द्वारा प्रशिक्षक को मानदेय न देने के सम्बन्ध में दिनांक 16-03-2020 को ई-मेल भेजी गई।

अतः उक्त दर्शाई गई वर्णित स्थिति अनुसार मामला आपकी सेवा में आगामी आवश्यक कार्यवाही हेतु प्रेषित है।

Sd

जिला खेल एवं युवा कार्यक्रम अधिकारी  
रोहतक

The Committee orally examined the Principal DAV Police Public School Adjoining Jail Complex Sunarian Rohtak and the petitioner in its meeting held on 01 09 2020 After discussion the Committee directed to the Principal that the recovered salary from the applicant be deposited in the petitioner's account and the detailed report (transaction of payment) be sent to the Committee It was intimated by the Principal that the payment of Rs 49838/ has been paid to the petitioner by cheque on 19 09 2020 The Committee also received a letter from Sh Sumit Kumar in which petitioner/applicant stated that his grievances is resolved and he thanked the Committee The letter received from Sh Sumit Kumar which reads as under

सेवा में

माननीय चेयरमैन साहब पेट्रीशनर कमेटी  
हरियाणा विधानसभा  
चण्डीगढ़।

विषय— धन्यवाद पत्र।

श्रीमान जी।

निवेदन यह कि मैं सुमित कुमार पूर्व हेडबाल कोच पुलिस पब्लिक स्कूल सुनारिया रोहतक सर मेने मानीय कमेटी के समक्ष पुलिस पब्लिक स्कूल सुनारिया के खिलाफ एक शिकायत दी थी जिसका समाधान हो गया है। इसलिए मैं कमेटी का धन्यवाद करता हूँ।

धन्यवाद।

Sd

सुमित कुमार पूर्व हेडबाल कोच पुलिस  
पब्लिक स्कूल सुनारिया रोहतक।

Thereafter the Committee considered the application of petitioner Sh Sumit Kumar in its meeting held on 23 02 2021 and accordingly dispose of the petition/representation

- 11 **PETITION/REPRESENTATION RECEIVED FROM MAYA DEVI D/O SH JAGBIR SINGH AND OTHERS, VILLAGE AJRONDA (SECTOR15A) FARIDABAD, REGARDING REQUEST TO GET RELEASED THE COMPENSATION OF ENHANCED AMOUNT OF ACQUIRED LAND AT VILLAGE AJRONDA (SECTOR-15A) FARIDABAD VID HON'BLE SUPREME COURT ORDER 2016(RFA NO 2539/2002 LAC NO 03/2001 AND SLP NO 15111 OF 2016) (RFA NO 3170/2001, LAC NO 544/1998), WHICH READS AS UNDER**

To

Hon'ble Chairman  
Petition Committee  
Vidhan Sabha Haryana

- Sub **Request to get released th compensation of enhanced amount of acquired land at village Ajronda (Sect-15A) Faridabad vide Hon'ble Supreme Court order 2016(RFA NO 2539/2002 LAC NO 03/2001 AND SLP NO 15111 OF 2016 (RFA NO 3170/2001, I AC NO 544/1998)**

**Date of decision by Hon'ble Supreme Court is 11/03/2019 vide order no 15649/16 \_\_\_\_\_(Kulbir Chondhary & others)**

Hon'ble Sir

With all due respect, we the residents of village Ajronda (Sect 15A) Faridabad humbly and respectfully submit that Hon'ble Supreme Court had revised our compensation of acquired land vide its order SLP No Order no 15649/16 dated 11 03 2019 But still we have not received the amount whereas others petitioners have received Hon'ble Sir We have visited the office HUDA at Faridabad and we were told that our case has been assessed calculated and there was no discrepancy

Hon'ble Sir We are very much in need of this amount in these days of financial problems added due to COVID 19 Kindly oblige us by getting this amount released at the earliest

With regards and thanks

Obliged applicants,

Sd

Maya Devi D/o Sh Jagbir Singh & others

The Petition/Representation was placed before the Committee in its meeting held on 18 08 2020 and the committee considered the same and decided that said petition/representation be sent to the concerned department for sending their comments/reply within a period of 10 days The Committee does not receive any Comments/reply from the department The reminder was sent to department on dated 04 09 2020 The Committee received the letter from the concerned department which reads as under



To

The Under Secretary  
Haryana Vidhan Sabha Secretariat  
Chandigarh

**Sub Meeting of the Committee on petitions**

Please refer to above noted subject regarding pt no 3 of No HVS/Petition/2/2020 21/13091 98 dated 17 09 2020

It is submitted that apprival of Ld Admin HSVP has been obtained vide memo no 108 dated 3 01 2020 of SLP No 15649/16 in RFA NO 2539/2002 in LAC No 03/01/and approval of Ld Admin HSVP has been obtained vide memo No 110 dated 03/01/20 of SLP No 15/11/16 in REA NO 3170/2001 in LAL No 544/98 by this office and detail of payment have already been updated on CCF PORTAL on 23 01 2020 respectively for necessary action for Id CCF HSVP Sector 6 Panchkula on 25 08 20 a meeting was concerned in HSVP HQ 1 Panchkula where Id CA HSVP orally directed the undersigned to provide information on 15 points for release of payment award wise The present LAC s pertain to award no 15/29 06 1998 and award no 13/29 06 1998 respectively The deponent office is preparing the details of 15 points as sought by Ld CA HSVP for release of payment

This is for your information and necessary action

Sd

Land Acquisition Officer  
Urban Estate Faridabad

The Committee orally examined the Departmental representatives and the petitioners/applicants in its meeting held on 22 09 2020 The department representatives assured the Committee that the compensation will be paid to the petitioners/applicants till 30th October 2020 The committee sent a letter to the department for compliance/ status report on dated 03 12 2020 Thereafter a transaction statement letter received from the concerned department which reads as under

To

The Secretary  
Haryana Vidhan Sabha Secretariat  
Chandigarh

**Sub Request to get released the compensation of enhanced amount of acquired land at village Ajronda (Sector 15) Faridabad vide Hon'ble Supreme Court order 2016 (RFA No 2539/2002 LAC No 03/2001 and SLP No 15111 of 2016 ) (RFA No 3170/2001, LAC No 544/1998)**

- 1 Refer to letter No HVS/petition /710/2020 21/18017 dated 03 12 2020 on the above cited subject
- 2 It is intimated that the payment to all the beneficiaries has been made The detail of which are as under

| Beneficiary Name                  | Net Amt     | Bank A/c of the Beneficiary | UTR                    | Annexure Status         |
|-----------------------------------|-------------|-----------------------------|------------------------|-------------------------|
| Kulbir Chaudhary S/o Jagbir Singh | 2373481 00  | 00182010077220              | INDBR22020111100916768 | Disbursement successful |
| Manbir Singh S/o Jagbir Singh     | 2373481 00  | 00182010019060              | INDBR22020111100916758 | Disbursement successful |
| Maya Bohra D/o Jagbir Singh       | 2373481 00  | 00182010077220              | INDBR22020111100916769 | Disbursement successful |
| Bala Dhankar D/o Jagbir Singh     | 2373482 00  | 0182010077220               | INDBR22020111100916762 | Disbursement successful |
| Kulbir Chaudhary S/o Jagbir Singh | 2966851 00  | 004601039475                | INDBR22020121100281253 | Disbursement successful |
| Total                             | 12460776 00 |                             |                        |                         |

Sd

Chief Accounts Officer  
For Chief Controller of Finance  
HSVP Panchkula

The Committee also received a letter from Maya Devi D/o Sh Jagbir Singh & other in which petitioners/applicants stated that their grievances were resolved and they thanked the Committee. The Letter received from Maya Devi & others which reads as under

To

The Respected Under Secretary  
Sh Vishnu Dev  
Haryana Vidhan Sabha  
Chandigarh

Respected Sir

Kindly refer to our representation/petitions regarding release of compensation of enhanced amount of acquired land at village Ajronda (Sec 15 A) Faridabad vide Honble Supreme Court order 2016(RFA No 2539/2002 LAC No 03/2001 and SLP No 15111 of 2016 ) it is respectfully informed that we have received our payment from the office. We all convey our heartfelt thanks for the timely payment.

With thanks and regards

Maya Devi

Bala Dhankar  
Manbir Singh  
Kulbir Chaudhary  
Ajronda Sec 15 A Faridabad

The Committee considered the application of petitioners/applicants in its meeting held on 23 02 2021 and accordingly disposed of the petition/ representation

**12 PETITION/REPRESENTATION RECEIVED FROM SH SUSHIL KUMAR S/O SH DEEP CHAND, VILLAGE KHADRI DISTRICT YAMUNANAGAR, & OTHER REGARDING COMPLAINT AGAINST SARVA HARYANA GRAMIN BANK BRANCH KHADRI, WHICH REAS AS UNDER -**

सेवा मे

श्रीमान चेयरमैन महोदय  
पटीशन कमेटी  
हरियाणा विधान सभा  
चण्डीगढ़।

**विषय— सर्व हरियाणा बैंक शाखा खदरी के खिलाफ शिकायत।**

श्रीमान जी

मै सुशील कुमार पुत्र श्री दीप चंद गांव खदरी जिला यमुनानगर के सर्व हरियाणा ग्रामीण बैंक खदरी का नियमित ग्राहक हूँ मैने खदरी शाखा से कुछ समय पहले कर्ज लिया था जिसका मैने पूरी तरह निपटान कर दिया था। निपटान के बाद मेरे ही बैंक के पास 65 रुपये बकाया रह गये थे। इसके कुछ समय बाद जब मै अचानक अन्य किसी काम से बैंक गया तो मेरे से 2398 रुपये लिये गये पूछने पर बताया गया कि यह तो कम्प्यूटर द्वारा लगाए गए पेसे है और ये तो इसी तरह लगते हे मेरे साथ-साथ इसी तरह अन्य ग्राहको से भी अनाप-शनाप पैसे लिये जाते है पूछने पर ग्राहको के साथ गलत व्यवहार किया जाता है। इसके साथ ही अब लगभग तीन-चार महीने से ग्राहको की पास बुक मे बैंक द्वारा एटरी भी फरनी बद कर दी गई है। जिस कारण ग्राहक को अपनी जमा राशि का भी पता नही चलता। उपरोक्त विषयो की शिकायत मैने बैंक के (आरएम) अम्बाला को भी की गई। परन्तु कोई कार्यवाही नही हुई। अत आपसे अनुरोध है कि आमजन की समस्या को देखते हुए लोगो की शिकायतो का निपटारा करवाया जाए तथा बैंक के काम-काज मे सुधार करवाया जाए।

आपकी अति कृपा होगी।

धन्यवाद।

प्रार्थी

हस्ता

दिनांक 14 12 2020

सुशील कुमार पुत्र श्री दीप चंद  
गांव खदरी जिला यमुनानगर

The petition/Representation was placed before the Committee in its meeting held on 15 12 2020 and the Committee considered the same and decided that said petition/representation be sent to the concerned department for sending their comments/reply within a period of 10 days The Committee does not receive any comments/reply from the department Thereafter the Committee received letter from Sh Sushil Kumar S/o Sh Deep Chand & other in which petitioners/applicants stated that

their grievances is resolved and they thanked the committee. The letter received from Sh. Sushil Kumar and other is reads as under

सेवा मे

श्रीमान चेयरमैन महोदय  
पटीशन कमेटी  
हरियाणा विधान सभा  
चण्डीगढ़।

**विषय— शिकायत का निवारण होने बारे।**

श्रीमान जी

मैं सुशील कुमार सुपुत्र श्री दीप चन्द निवासी गाँव खदरी तहसील छछरौली जिला यमुनानगर ने क दरखास्त दिनांक 14-12-2020 को पटीशन कमेटी को सर्व हरियाणा ग्रामीण बैंक शाखा खदरी की शिकायत बारे दी थी मेरी शिकायत का समाधान हो गया है मैं बैंक की कार्य पद्धति से अब खुश हूँ और मैं प्रार्थी पटीशन कमेटी हरियाणा विधान सभा का भी दिल से धन्यवाद करता हूँ। कमेटी ने बहुत ही सुदर ढंग से और बहुत सरलता से मेरी बात को सुना इसके लिये मेरी ओर से और अन्य ग्रामीण ग्राहकों की ओर से कमेटी का धन्यवाद करता हूँ।

दिनांक—12 01 2021

प्रार्थी सुशील कुमार

हस्ता  
सुशील कुमार पुत्र श्री दीप चन्द  
गाँव खदरी जिला यमुनानगर

The Committee considered the application of petitioners in its meeting held on 23 02 2021 and accordingly disposed of the petition/ representation

**13 PETITION/REPRESENTATION RECEIVED FROM SH JAI PARKASH, SARPANCH & OTHERS, KHATIWAS, DISTRICT JHAJJAR DRAINAGE OF THE NAVA POND OF THE VILLAGE, WHICH READS AS UNDER**

सेवा मे

श्रीमान अध्यक्ष महोदय  
याचिका समिति  
हरियाणा विधानसभा  
चण्डीगढ़।

**विषय— गाव के नवा Pond के गन्दे पानी की निकासी बारे।**

आदरणीय

निवेदन है कि हमारे गाव खातीवास मे नवा पौड जो पशुओ के पानी पीने हेतू है मे आधे गाव का गदा पानी एकत्रित होता रहता है और पौड वर्षा के मौसम मे ओवर फलो



हो जाता है जिससे गाव की गलिया व खेल के मैदान में भी पानी जमा हो जाता है और इस कारण लोगो को दिक्कत रहती है। यहा तक कि इस पानी में बदबू होने लगती है जो बीमारी का कारण बनती है। यहा तक कि पानी पर गहरी काई जम जाती है जो पछोस के लोगो को बदबू की वजह से लगातार बीमारिया पैदा करती है और हवा से ज्यादातर गाव भी बदबू पहुंच जाती हैं।

इस वर्ष थोड़ी सी वर्षा से खेतों व जोहड़ में बाढ़ की पोजीशन बनी हुई है और पानी जमा है। हम कई बार इस समस्या को प्रशासन के सामने उठा चुके हैं मगर कोई कार्यवाही नहीं हुई।

अतः आपसे नम्र निवेदन है कि आप हमारी इस समस्या का सरकार लेवल पर समाधान कराये ताकि हमें राहत मिल सके।

हस्ता

सरपंच

ग्राम पंचायत खातीवाल

The Petition/Representation was placed before the Committee in its meeting held on 11 08 2020 and the Committee considered the same and decided that said petition /representation be sent to the concerned department for sending their comments/reply within a period of 10 days. The Committee does not receive any comments/reply from the department. The reminder was sent to the department on dated 07 09 2020. Thereafter the Committee received a reply from the concerned department which reads as under

To

The Secretary  
Haryana Vidhan Sabha Secretariat  
Chandigarh

**Sub Regarding the drainage of the Nava Pond of Village Khatiwas, District Jhajjar**

**Reference Your office letter No HVS/Petition/709/2020 21/10616 dated 14 08 2020**

Kindly refer to the context cited above

2 In this context it is intimated that dewatering of Nava Pond in village Khatiwas is under progress. 1 No 3 Cs EP set has been installed on the pond from 14 08 2020 connected with 800 ft HDPE pipeline to discharge the water in Beri Dujana Dhaur Link Drain at RD 11400 R. In this regard, the sarpanch of Gram Panchayat Khatiwas has intimated vide letter dated 25 08 2020 that there is no problem in the village as the water level in the pond has been reduced upto 4 ft and pumping set are running smoothly. The report of Gram Panchayat, Khatiwas is enclosed herewith.

This is for your kind information and further necessary action

DA/As above

Engineer in Chief  
Irrigation & W R Department  
Haryana, Panchkula

सेवा मे

कार्यकारी अभियन्ता  
जल सेवाएं यात्रिक मडल  
झज्जर।

**विषय— गाँव खातीवास में जोहड का पानी निकालने बारे।**

उपरोक्त विषय मे आपको सूचित किया जाता है कि गाँव मे भरे हुए जोहड के पानी की निकासी के लिये जो पम्प सैट दिये गये है वह सुचारू रूप से चल रहे हैं और हम आपके द्वारा उठाए इस शीघ्र कदम से सतुष्ट हैं और पम्प सैट से तकरीबन 4 फुट पानी घट गया है तथा लोगो को जो परेशानी हो रही थी उससे भी निजात मिली है।

हस्ता  
जयप्रकाश सरपच  
ग्राम खातीवास जिला झज्जर।

The Committee satisfied with the reply received from the department and has decided that the petition/representation is dispose of accordingly in its meeting held on 23 02 2021

**14 PETITION/REPRESENTATION RECEIVED FROM SH RAMESH KUMAR S/O SH ISHWAR & OTHERS OF THE VILLAGE & P O KHATIWAS, DISTT JHAJJAR REGARDING THE DRAINAGE OF THE THREE PONDS OF THE VILLAGE KHATTIWAS, WHICH READS AS UNDER**

सेवा मे

श्रीमान अध्यक्ष महोदय  
याचिका समिति  
हरियाणा विधान सभा  
चण्डीगढ।

**विषय— गाव खातीवास (झज्जर) मे तीन जोहडो के पानी की निकासी की व्यवस्था करने बारे।**

श्रीमान जी

हमारे गाव खातीवास (ब्लाक-झज्जर जिला झज्जर) मे नवा खातीवाल व देवता जोहड गाव की आबादी के अन्दर आ चुके हे। इन जोहडो मे मानी की निकासी की कोई व्यवस्था नही है। वर्षा आने पर तीनो जोहड पानी से भर जाते हैं और पानी गाव की गलियो व मकानो मे घुस जाता है। जिससे गाव वालो को व जिनके घर जोहड के पास हैं उनको बडी परेशानी का सामना करना पडता है। गाव मे बिमारी फैलने का खतरा बना रहता है। नवा जोहड के बारे मे आपको पहले भी लिखकर दे चुके है जिसकी आपके द्वारा कार्यवाही की जा चुकी है।

अत आपसे प्रार्थना है कि खातीवाली व देवता जोहड की निकासी की व्यवस्था भी नवा जोहड जोहड के पास ही की जाये ताकि गाव वालो को कोई परेशानी ना हो तथा गाँव मे बीमारी को फैलने से रोका जा सके।

हस्ता  
रमेश कुमार  
सपुत्र श्री ईश्वर  
गाँव व डा० खातीवास

The petition/Representation was placed before the Committee in its meeting held on 15 09 2020 and the Committee considered the same and decided that said petition/representation be sent to the concerned department for sending their comments/reply within a period of 10 days The Committee does not receive any comments/reply from the department The reminder was sent to the department on dt 11 12-2020 Thereafter the Committee received a reply from the concerned department which reads as under

To

The Secretary,  
Haryana Vidhan Sabha Secretariat  
Chandigarh

**Sub Regarding dramsage of three ponds of village Khariwas, District Jhajjar**

**Reference Your Office Letters No HVS/Petition/720/2020 21/13188 dt 17-09 2020  
& No HVS/petition 709/2020 21/18478 dt 11 12 2020**

Kindly refer to the context cited above

2 The dewatering of all three ponds has been completed by installing E P sets and dewatering of Devta pond has been completed by the Panchayat of village Khatriwas Presently the water levels of these ponds are sufficiently down Report of S E JWS Circle, Jhajjar

This for your kind information and further necessary action

Sd  
Engineer in Chief  
Irrigation & W R Department  
Haryana Panchkula

The Committee satisfied with the reply received from the department, the petition/representation is disposed of accordingly in its meeting held on 23-02-2021

- 15 PETITION/REPRESENTATION RECEIVED FROM SH RAMESH KUMAR S/O SH RAM KISHAN SAINI VILLAGE SOHNA DHANI, P O SOHNA, DISTT GURUGRAM, REGARDING COMPLAINT AGAINST MR MAHAVIR, TRAFIC INSPECTOR (TI) RTA OFFICE REWARI, FOR NOT OBEYING THE ORDERS OF THE HON'BLE SUPREME COURT OF INDIA ON EXTRANEIOUS CONSIDERATIONS, WHICH READS AS UNDER -**

To

Shri Ghanshyam Das Arora ji  
Hon able Chairman  
Petition Committee Haryana Vidhan Sabha,  
Chandigarh

- Sub - Complaint against Mr Mahavir, Traffic Inspector (TI) RTA Office Rewari, for not obeying the Orders of the Hon'able Supreme Court of India on extraneous considerations**

Respected Sir

It is most humbly submitted that I Ramesh Kumar son of Shri Ram Kishan Saini permanent resident of Village Sohna Dhami Post Office Sohna, District Gurugram Haryana have applied for Stage Carriage Bus Permit under Scheme 2016/17, as per Hon able Supreme Court order in Civil Appeal No 557 of 2020 (Arising out of SLP(C) No 16503/2017) and Civil Appeal No 558 of 2020 (Arising out of SLP(C) No 26446/2019) dated 21-01-2020

I have submitted all my requisite documents to the Regional Transport Authority, Rewari on 28-01-2020 as per Hon able Supreme Court order and received the acknowledgement for the same from RTA office Rewari

As per the above orders the permits were to be allotted before 20-03-2020 but due to corona virus outbreak the meeting at Chandigarh was cancelled and it was held by way of Video Conference at the Regional transport Authority Rewari in which it has been discussed that those who have purchased the bus and fulfill the requirements for Stage Carriage bus permit to give written application to the Regional Transport Authority Rewari which I have submitted on the same day i.e. on 20-03-2020. But later I came to know that neither my documents were forwarded to the Chandigarh office nor was I informed for the same for unknown reasons

Thereafter I requested RTA office Rewari to pass my Bus before 31st March 2020 and I visited RTA office Rewari everyday for passing of the Bus and I also brought my Bus to the RTA office Rewari for passing on 31st March. But the office neither passed the bus nor issued me the permit. I repeatedly asked the RTA Office Rewari to check my documents and point out if there was any discrepancy but the office dealing hand Mr Mahavir on account of his arrogant behaviour straight away denied to provide me any information or advise on my documents and demanded a big amount from me in lieu of issuing permit and passing the Bus. On 31st March, I was in the RTA

office Rewari and I pleaded with him for consideration of my case many times during the day. The RTA office Rewari remained open till 09 30 PM on that day for passing other buses which were not there in the list as per the morning announcement made by Mr Mahavir.

I tried to meet the ADC Rewari Mr Rahul Hooda many times to put my issue before him but I was not allowed to meet him due to COVID 19. I tried to contact him on phone but he did not reply on phone call and what's app.

On 01 04 2020 I served a detailed legal notice to the Transport Commissioner Haryana, Chandigarh and the ADC Rewari cum Secretary Regional Transport Authority Rewari through my legal counsel but none of them paid any heed and did not thought it proper even to reply the same.

Thereafter on 30 April 2020 I again visited RTA office Rewari for passing of the Bus under Stage Carriage but it was again denied with new excuses.

I attended the video conference again on 02 06 2020 and tried to raise my issue before the RTA Rewari but instead of listening my problem they sent me out from the Video Conference room by saying that the conference is being held just for transfer of routes. I have emailed many times to ACS Chandigarh RTA Office Rewari ADC Rewari but no reply is received from any of the above mentioned authorities. It is submitted that I have no other resources to pay my EMIs for the bus Joan and I have spent all my savings on the bus.

It is therefore requested that in view of my above submissions kindly look into the matter and take strict action against Mr Mahavir (TI) (Dealing Hand RTA office Rewari) and all the fees and penalties on account of delay in registration of the bus and all the losses caused to me may kindly be recovered from the above said erring officers/officials.

Dated 30 06 2020

Yours Truly

Sd

Ramesh Kumar S/O Shri Ram Kishan Saini  
Resident of Village Sohna Dham  
PO Sohna Dist Gurugram

The Petition/Representation was placed before the Committee in its meeting held on 07 07 2020 and the Committee considered the same and decided that said petition/representation be sent to the concerned department for sending their comments/reply within a period of 10 days. The Committee does not receive any comments/reply from the department. The Committee orally examine the departmental representatives and petitioner/applicant on dated 04 08 2020 05 01 2021 and 23 02 2021. In the oral examination matter is pending in Punjab & Haryana High Court Chnadigarh. After discussion the Committee has decided that the matter is sub judice, the petition/ representation is dispose of accordingly.



© 2021

Published under the authority of the Haryana Vidhan Sabha and  
Printed by the Controller Printing and Stationery Haryana Chandigarh