

**CHANDIGARH ADMINISTRATION
PERSONNEL DEPARTMENT**

THE CHANDIGARH RIGHT TO SERVICE RULES, 2019

NOTIFICATION

Chandigarh, dated the 11/10/2019

No. 28/67/1-IH(11)-2019/15461

In exercise of the powers conferred by Section 21 of the Punjab Right to Service Act, 2011 (Punjab Act No. 24 of 2011) and The Punjab Right to Service (Amendment) Act, 2014 as extended to the Union Territory of Chandigarh by the Government of India, Ministry of Home Affairs vide Notification No. G.S.R. 1015(E) dated 14th August, 2017 and all other powers enabling him in his behalf, the Administrator U.T., Chandigarh is pleased to make the following rules, namely:-

1. **Short title, commencement.**- (1) These rules may be called the Chandigarh Right to Service Rules, 2019

(2) They shall come into force on and with effect from the date of their publication in the Official Gazette.

2. **Definitions:-**(1) In these Rules, unless the context otherwise requires:

(a) 'Act' means the Punjab Right to Service Act, 2011 (further amended in 2014) as extended to the Union Territory of Chandigarh

(b) 'Prescribed Format' means formats of application/ appeal/ record maintenance etc. prescribed along with these Rules or displayed by the respective departments on their websites for delivering a notified service under the Act;

(c) 'Commission' means the Chandigarh Right to Service Commission.

(2) The meaning of words and explanations which have been used in these Rules but not defined shall be that which has been given to them in the Act.

3. **Power of Designated Officer to authorize for receiving the applications:-** The Designated Officer shall have the power to authorize by order any of his/her subordinate officer/staff for receiving the applications and giving acknowledgement. Similarly, the officials may be authorized for receiving the applications and give acknowledgements in e-sampark centres/ Help-desks set-up in respective offices.

4. **Record of Service & the Application Format:-**

Section 5 (3)

(1) The record of service applied for shall be maintained by the Designated Officer in **Form 'A'**.

(2) The Administrative Department concerned shall prepare an Application Form for every Service along with a check list of the documents required to be enclosed therewith, as early as possible, but latest within 30 days of notification of these rules and/or the public(s) under the Act.

5. **Receipt and acknowledgement of application:-**

(1) An eligible person shall make an application for delivery of service to the Designated Officer either personally or through email or registered post or e-sampark/ Help-desks duly addressed to the aforesaid Designated Officer.

(2) If such an application is found complete in all respects, the Designated Officer shall acknowledge the receipt thereof in a prescribed Forms(s) provided by the respective departments for each service;

Provided that if any document required for delivery of service has not been enclosed with the application by the applicant, the same shall be clearly mentioned in the acknowledgement slip by the Designated Officer to enable the applicant to make his application complete in all respects;

Provided further that the Designated Officer shall not raise objections on such an applications in a piecemeal manner;

Provided further that the time-limit specified for delivery of service in such cases shall commence from the date when the applicant supplies all the deficient documents mentioned in the acknowledgement.

6. **Denial or delay in delivery of service:-** In the event a service is denied or delayed, the Designated Officer shall communicate to the applicant :

- (a) the reasons for such denial or delay;
- (b) The period within which an appeal against such denial or delay can be preferred; and
- (c) The particulars, including all available contact information, of the relevant first appellate authority.

7. **Public holidays not to be included in the stipulated time limit: -** Public holidays shall not be included in the stipulated time limit for providing the services. Thus, actual time limit shall be sum of the total working days specified and the number of public holidays. In case of service sought from e-sampark centres/ Help-desks, an additional period of two days shall be added to the stipulated time limit.

8. Display of information on Website of the Department:-

Section 11

(i) All information relating to the various public services, their time-limits, application forms and the requisite documents, shall be put on their websites and also, if feasible, outside the offices or any other conspicuous place in the office area, by the respective departments.

(ii) In the event of non-display of such information in the public domain, the Second Appellate Authority or the Commission shall be competent to initiate appropriate action against the concerned Designated Officer.

9. Fee for Application/ Appeal/ Revision:- No fee shall be levied for making an application/ appeal/ revision under the Act except the statutory fee, if any, prescribed under relevant Acts/ Rules of the respective departments.

10. Process of communicating the information about hearing/ order:-

(1) Intimation about hearing of the case or passing of the order shall be made to the applicant in the following order of preferred modes of communication:-

- (i) E-mail address provided in the application/ appeal form
- (ii) On the phone number (SMS); record thereof to be made on the case file
- (iii) Personally, if the applicant is present himself, against a signature of note taken

(iv) Regd. post AD

Service of Notice for hearing, made through any of the above modes, shall be considered sufficient for the purposes of this Act.

(2) Intimation about the date of hearing shall be communicated to the applicant/Designated Officer and other concerned at least 03 days in advance.

11. Procedure to be followed in the First/ Second Appeal:-

(1) The appeal to the first and second appellate authority shall be made as per the prescribed format given at Form 'B' & 'C' respectively.

(2) Appellate authorities may summon the record of subordinate office(s) for adjudication of the appeal(s). In exceptional circumstances, any officer may be authorized for required investigation by the appellate authorities.

(3) The appellate authority (First or Second) may, if required, summon either in person or through their representative, the Designated Officer, the first appellate authority or any other officer involved in the process of providing such services, as the case may be.

(4) If the applicant or Designated Officer/appellate authority or other concerned officials either themselves or through their authorized representatives do not appear before the first or second appellate authority, then the case may be decided ex-parte in their absence.

However, if the parties are unable to be present for justified reasons, another opportunity may be given to them before proceeding ex-parte.

(5) No order shall be passed against any person or official without granting him an opportunity of being heard.

(6) The appellate authority (first or second) shall pass a well reasoned speaking order after due consideration of all the record produced before it. The order shall be read out in the open court and issued in writing.

(7) A copy of the order in the first or second appeal shall be given to the applicant, designated officer and/or any other official(s) concerned, without charging any fees.

12 **Recovery of Penalty:-**

1. In the case of imposition of penalty, the Second appellate Authority shall forward a copy of such order to the Administrative Department concerned with instructions to deduct the amount from the salary or remuneration of the Designated Officer and/or any other official involved in the process of providing such service against whom penalty has been awarded. A copy of such order shall also be endorsed to the Commission, for information.

2. In the event of recommendations for disciplinary action against the Designated Officer and/or any other official, the Second Appellate Authority

shall send a copy of such order to the Administrative Department concerned as well as to the Commission.

3. The penalty imposed under the Act shall be recovered in proportion to be fixed by the Second Appellate Authority from the salary or remuneration of the Designated Officer and/or any other officer/official involved in the process of providing such service.

4. The concerned authority, to whom a copy of such order of Second Appellate Authority has been sent shall recover the penalty from the next salary/remuneration of the Designated Officer and/or any other officer/official involved in the process of providing such services, as decided by the Second Appellate Authority. The penalty so recovered shall be deposited in the receipt head of the State/ UT Government and a copy thereof shall be forwarded to the Second Appellate Authority.

5. In the event of award of compensation to the applicant/appellant by the Second Appellate Authority, the concerned authority shall make payment to the applicant/ appellant out of penalty imposed by it and deposit the balance amount in the receipt head of the State/UT as stipulated in the above said sub-rule. A copy of receipt of compensation paid shall be forwarded to the Second Appellate Authority by the department.

13 REVISION:-

Section 10

- (1) An application for revision addressed to the Commission constituted under section 12 of the Act, shall be made in **Form D.**
- (2) The applicant shall enclose a self attested copy of the order of the Second Appellate Authority against which the revision petition has been made.
- (3) While deciding any application/ revision petition, in order to ascertain the facts, the Commission may authorize an officer to enquire into the matter. The officer, to whom such an inquiry is entrusted, shall submit report to the Commission within a maximum period of fifteen days.
- (4) The Commission shall decide the application/ revision petition on the basis of the relevant record available before it.

14 **Salary, allowances and conditions of service of the officers and other**

Section 15 (6)

employees:- The employees appointed on deputation from any department of the State/ UT Government, Board, Corporation or other statutory body of the State/ UT Government, shall be paid such salaries and allowances as admissible to them under the Rules applicable to their Service and they shall be governed under the said rules and relevant instructions issued by the State/ UT Government from time to time. The Commission may also employ retired employees of the State/ UT Government, Board, Corporation or other statutory

body of the State/UT Government for a period of 05 years or till the age of sixty-five, whichever is earlier, as per relevant instructions issued by the State/UT Government from time to time on contractual service or for outsourcing of the officials.

15. **Suo-moto notice by the Commission:-** The Commission may take suo-

Section 17(l)(b)

moto notice in such cases where an application/appeal is not decided by the Designated Officer/ Appellate Authority within the stipulated period and there is an unreasonable delay in disposal of such an application/appeal. On finding any lapse, the Commission may pass appropriate orders in this regard as it may deem fit.

FORM 'A'**(See Rule 4)****RECORD TO BE MAINTAINED BY THE DESIGNATED OFFICER**

S. No.	Name of the Applicant with contact no./ email / address	Name of Service Applied for	Date of Receipt of Application	Date of Disposal of Application	Remarks: Whether service provided or Application rejected (with reasons)

FORM – 'B'**(See Rule – 11)**

Following information shall be included in the Application for Appeal to the First Appellate Authority:

- (1) Name & address of the Applicant/ Appellant

- (2) Name & address of the Designated Officer against whose decision the first appeal is being made

- (3) Gist of the order against which the first appeal lies (copy of the impugned order of the designated officer to be enclosed)

- (4) Date of application along with name and address of the Designated Officer if the appeal is made against non-receipt of acknowledgement of the application

- (5) Grounds for first appeal:

- (6) Relief asked for:

- (7) Any other relevant information that may be necessary for determining the first appeal

FORM – 'C'**(See Rule – 11)**

Following information shall be included in the Application for Appeal to the Second Appellate Authority:

- (1) Name & address of the Applicant/ Appellant

- (2) Name & address of the First Appellate Authority against whose decision the second appeal is being made

- (3) Gist of the order against which the second appeal lies (copy of the impugned order of the First Appellate Authority to be enclosed)

- (4) Date of application along with name and address of the designated officer if the appeal is made against non-receipt of acknowledgement of the application

- (5) Grounds for second appeal:

- (6) Relief asked for:

- (7) Any other relevant information that may be necessary for determining the second appeal

FORM 'D'

See rule 13

APPLICATION FOR REVISION

1.	Name of Applicant/ Petitioner	:	
2.	Father's name	:	
3.	Residential address	:	
4.	Contact Number & e-mail (if any)	:	
5.	Name of the Service sought	:	
6.	Name of the Department from which service was sought	:	
7.	Date of Application made to the Designated Officer (enclose copy of the acknowledgment receipt)	:	
8.	Date of disposal of application (along with a copy of decision/ order of the Designated Officer)	:	
9.	Date of filling of First Appeal (enclose a copy of the acknowledgment receipt)	:	
10.	Date of decision/ order of first Appeal (along with a copy of the decision/ order of the First Appellate Authority)	:	
11.	Date of filling of Second Appeal (enclose a copy of the acknowledgment receipt)	:	
12.	Date of decision/ order of Second Appeal (along with a copy of the decision/ order of the Second Appellate Authority)	:	
13.	Relief claimed by the applicant in Revision against the order passed in Second Appeal	:	

Note:- All copies/ documents enclosed with Revision Petition should be self-attested.

Date _____

Place _____

(Signatures of the Applicant)