

# **THE PUNJAB RIGHT TO SERVICE RULES, 2011**

## **Notification**

The 10<sup>th</sup> November, 2011

No.\_\_\_\_\_ - In exercise of the power conferred by sub-section (1) of Section 20 of the Punjab Right to Service Act, 2011 (Punjab Act No. 24 of 2011), and all other powers enabling him in this behalf, the Governor of Punjab is pleased to make the following rules, namely :-

## **RULES**

**1. Short title, commencement.-** (1) These rules may be called the Punjab Right to Service Rules, 2011.

(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;
- (b) 'Prescribed Format' means formats prescribed by the concerned department delivering a notified service under the Act;
- (c) 'Section' means Section of the Act;
- (d) 'Commission' Punjab Right for 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 for 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 officers would be authorized for receiving the applications and give acknowledgements in Suvidha Centres, Fard Kendras and Sanj Kendras.

4. **Prescribed formats.**— The administrative department which is required to deliver a notified service under the act will prepare an application format for every service alongwith a check-list of documents required to be enclosed therewith and an acknowledgement slip.

5. **Issuing acknowledgement to applicants.**— The designated officer or the authorized person under Rule 3 shall give acknowledgment to the applicant indicating the stipulated time in the prescribed format in case the application is complete in all respects. However, in case any necessary documents have not been enclosed with the application then the same shall be clearly mentioned on the acknowledgement and in such acknowledgment stipulated time limits shall not be mentioned. There shall be no repeated objections on the application and all the required documents indicating on the acknowledgement slip in one go.

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 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. That is, the time limit will be days specified plus the number of public holidays. In case of service sought from Suvidha Centres, Fard Kendras and Sanj Kendras, an additional period of two days would be added to the stipulated time limit.

8. **Display of information on Notice Board.**- All relevant information related to the service like service, application format and documents required for obtaining it, the designated officer, the stipulated time limit, the appellate authorities etc. shall cause to be displayed on the notice board-

(a) By the designated officer outside his office and other conspicuous places in his office area;

(b) By incharge of Suvidha Centre, Fard Centre and Sanj Kendra for services being provided at these centres.

In the event of non-display of such information in the public domain, the 2<sup>nd</sup> Appellate authority shall initiate appropriate action against the designated officer and the officer incharge of the Centres.

9. **Relaxation in Appeal Fee.**-No fee shall be levied for the first appeals, second appeals and the Revision before the Commission.

10. **Procedure of applications for first and second appeals.**-

Following information shall be included with application for any first and second appeals to first appellate authority and second appellate authority.

(1) Name and address of applicant asking for first and second appeals.

(2) To the extent possible, name and address of designated officer/first appellate authority against whose decision the first or second appeal has been presented.

- (3) Gist of the order against which the first or second appeal lies.
- (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 applications.
- (5) Basis for first or second appeal.
- (6) Relief asked for.
- (7) Any other related information that may be necessary for determining the first or second appeal.

**11. Documents to be enclosed with first or second appeal.-**

With every first or second appeal following document shall be enclosed:

- (1) Table of contents of documents enclosed with first or second appeal.
- (2) Self attested copy of the order against which the first or second appeal is being made.
- (3) Copies of documents mentioned in the application for first or second appeal.

**12. Process of communicating the information of hearing-**

Information of hearing of the application for first or second appeal shall be communicated in one of the following manners-

- (1) By the party himself/herself.
- (2) By hand delivery through special messenger.
- (3) By registered post acknowledgment receipt.
- (4) Through the department

**13. Processing decisions on appeals –**

In the decisions of first and second appeal,

- (1) No detailed evidence of the parties will be recorded. However the concerned persons can submit their written view points;
- (2) Concerned documents, public records or their copies shall be reviewed.
- (3) In exceptional circumstances, any officer may be authorized for required investigation by the appellate authorities.

**14. Individual presence of parties-**

- (1) First appellate and the second authority may if required summon either in person or through their office representative, the designated officer, the first appellate authority or any other officer involved in the process of providing such services;
- (2) In all situations, the hearing date shall be communicated to applicant/designated officer and other concerned at least 7 days in advance.
- (3) As the case may be the applicant shall make himself present during the hearing of the first and second appellate. The designated officer/first appellate authority shall make himself present wither in person or through their representative, if required by the appellate authorities.
- (4) If the applicant or designated officer/appellate authority or other concerned officials to whom summons have been issued, do not appear before the first appellate or second authority as the case may be then the case shall be decided in ex-parte in their absence. However, if it is clear that the parties were not able to be present for justified reasons, one more opportunity shall be given to them before preceding ex-parte.
- (5) No order shall be passed against any person or official without granting him an opportunity of being heard.

**15. Order in first of second appeal-**

- (1) First or second appeal order, as the case may be, shall be read during the open hearing and shall be in writing from first appellate or second appellate authority.

- (2) Copy of first appeal order shall be given to the applicant and the designated officer without charging any fees.
- (3) Copy of second appeal order shall be given to the applicant, designated officer and any other officials in respect of whom the order is passed without charging any fees.
- (4) In the case of imposition of penalty, the second appellate authority shall mark a copy of such order to the concerned authorities with instructions to deduct the amount from the salary/remuneration of the designated officer and/or any other officials involved in the process of providing such service against whom penalty has been awarded.
- (5) 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 the orders against him/her to the concerned appointing authorities.

#### **16. Recovery of Penalty-**

- (1) The penalty imposed under the Act shall be recovered from the salary/remuneration of the designated officer and/or any other officer involved in the process of providing such service in proportion to be decided by the second appellate authority.
- (2) The concerned authority to which a copy of the order of second appellate authority has been marked shall cause to recover the penalty from the next salary/remuneration of the designated officer and/or any other official involved in the process of providing such service, as decided by the second appellate authority. The penalty so recovered shall be deposited under the concerned head and a copy of receipt of deposit shall be sent to the second appellate authority.
- (3) 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 recovered by him and deposit the balance amount in the concerned head as stipulated in sub-rule 2 above. A copy of receipt

of deposit of penalty and receipt of compensation by the applicant shall be sent to the second appellate authority.

**17. Revision**

(1) The applicant or the designated officer or any other official who is aggrieved by the order of the second appellate authority can make an application for revision of the said order to the commission.

(2) The commission may if required authorize an investigation by any other officer;

(3) The commission after hearing all the concerned parties shall pass an order rejecting the revision petition or modifying the order of the second appellate authority.

**18. Suo-moto notice of failure to deliver service** – In case the appeals are not decided by the first appellate authority within a period of 30 days and by the second appellate authority within period of 60 days and there is un-reasonable delay in deciding these appeals, the Commission can take suo-moto notice and pass appropriate directions to the appellate authorities or pass such orders itself as may be appropriate.

**19. Salary/Allowances and conditions of service of the officers and employees of the commission –**

(1) The employees of the commission shall be appointed firstly by deputation from the Departments of Government of Punjab, secondly from deputation from employees of Board and Corporations, Government of Punjab. If the posts cannot be filled up as mentioned above, then the Commission can employ retired employees of the Government or the Board and Corporations of the Government of Punjab for three years or till the age of 62 years whichever is earlier as per the prevailing instructions of the Department of Personnel, Government of Punjab.

Provided that in exceptional cases the Commission can appoint employees for three years contract with the approval of the State Government. The terms and conditions of the contractual employees would be approved by the State Government.

(2) The salary/allowances and conditions of service of the officers and other employees so appointed shall be determined in consultation with Department of Personnel, Department of Finance and the parent department of the employees in case of deputationists as the case may be.

**20. Maintenance of records of all disposed cases under the Act-** The designated officer, the first appellate authority and second appellate authority shall maintain records of all the cases in the prescribed formats.

**21. Regulation**

The Commission may frame its regulations for the conduct of its business and for providing for appointment of employees, disciplinary action against employees and any other matter as the Commission may deem fit. For the matters not explicitly provided in the regulations, the Chief Commissioner of the Commission shall be the competent authority to take final decision.

**22. Dissemination and Training-**

The State Government may, to the extent of availability of financial and other resources

(1) Develop and organize campaigns and programmes to advance the understanding of the public, in particular of the disadvantaged communities, as to how to exercise the rights contemplated under this Act.

(2) Encourage public authorities to participate in the development and organization of programmes referred to sub-rule above and to undertake such programmes themselves.



- (3) Promote timely and effective dissemination of accurate information by public authorities about the notified services and timelines, and the processes for applications.
- (4) Train designated officers, first and second appellate authorities, as the case may be, of their duties under the Act.
- (5) Compile a guide containing such information, in an easily comprehensive form and manner, as may reasonably be required by a person who wishes to exercise any right specified under this Act.
- (6) If necessary, update and publish guidelines referred to in sub rule (5) above at regular intervals which shall, in particular and without prejudice to the generality of the sub-rule (5) above, include:
  - (i) The objects of this Act;
  - (ii) The manner and the form in which request for services shall be made to the designated officer or appellate authorities;
  - (iii) All remedies in law available a delay or denial of service, including the manner of filing appeals;
  - (iv) any additional regulations or circulars made or issued in relation to obtaining services in accordance with this Act.

## **23 Monitoring of Implementation.-**

The State Government shall introduce a system for centralized monitoring of the timely delivery of notified services, including service delivery through use of Information and Communication Technologies, and for monitoring various provisions of the Act.

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