

Office of Chief Commissioner
Uttarakhand Right to Service Commission
39/1, Sahastradhara Road, Dehradun

No.: 231/15-14(1)/2015

Dehradun: 26 August 2015

27

In exercise of the powers conferred by Section-17(4) of the Uttarakhand Right to Service Act, 2011 (Uttarakhand Act No. 20 of 2011), and all other enabling provisions in this behalf, Uttarakhand Right to Service Commission hereby enacts the following

Regulations

for management of the affairs and function effectively:-

CHAPTER-1

1. Short Title and Commencement

- (1) These Regulations shall be known by the name of the 'Uttarakhand Right to Service Commission (Management) Regulations, 2015'.
- (2) They shall come into force on and from 26 August 2015.
- (a) Revisions/ Complaints, which have been filed before the enactment of the Regulations and are already registered and considered, shall not abate for any infirmity therein and these Regulations would be applicable for such Revisions/ Complaints.

2. Definitions

In these Regulations, unless there is anything repugnant in the subject and context:-

- (a) "Act" means the Uttarakhand Right to Service Act, 2011
- (b) "Chief Commissioner" means the State Chief Commissioner appointed under the Act.
- (c) "Commissioner" means Commissioner appointed under the Act.
- (d) "Secretary" means the Secretary of the Commission appointed by the State Government.
- (e) "Decision" includes an order, direction or determination of an issue.
- (f) "Single Bench" means a Bench constituted by the Chief Commissioner comprising of himself or one Commissioner to hear Revisions/ Complaints.



- (g) "Division Bench" means a Bench constituted by the Chief Commissioner comprising himself and one Commissioner or two Commissioners to hear Revisions/ Complaints.
- (h) "Full Bench" means a Bench constituted by the Chief Commissioner comprising of himself and two Commissioners to hear Revisions/ Complaints.
- (i) "Revision/ Complaint" means Revision filed under Section-10 of the Act and/or the Complaint considered by the Commission under Section-17(1)(b) and 17(2) of the Act.
- (j) "Revisionist/ Complainant" means the person who files a Revision/ Complaint.
- (k) "Record" means the aggregate of papers relating to Revisions/ Complaints.
- (l) "Registry" means a Branch of the Commission constituted to deal matter of registering Revisions/ Complaints.
- (m) "Regulation" means Regulation framed herein.
- (n) "Representative" means a person duly authorized by or on behalf of any of the parties to the proceedings.
- (o) "Respondent" includes an intervener or a third party impleaded by the Commission or the person against whom proceedings are initiated.
- (p) "Rules" mean the Rules framed by the State Government under Section 20(1) of the Act.
- (q) "Public Information Officer (PIO)" means the Officer nominated by the Commission, under the Right to Information (RTI) Act - 2005, to perform duties as Public Information Officer.
- (r) "Assistant Public Information Officer (APIO)" means the Officer nominated by the Commission, under the RTI Act - 2005, to perform duties as Assistant Public Information Officer.

30

- (s) "Appellate Authority" means the Officer nominated by the Commission, under the RTI Act - 2005, to hear appeals against the orders of the PIO of the Commission.
- (t) Words and expressions used herein but not defined shall have the same meaning as defined in the Act.

CHAPTER-2

3. Meetings of the Commission

- (1) The Commission shall meet to consider the matters related to the transactions of business of the Commission at such date, time and place as may be fixed by the Chief Commissioner from time-to-time.
- (2) The meetings of the Commission shall ordinarily be held at the headquarters of the Commission and would be presided by the Chief Commissioner.
- (3) The Chief Commissioner and one Commissioner shall form the quorum at a meeting of the Commission. If there is no quorum at any meeting, the meeting shall be adjourned:

Provided that in case next meeting is also being adjourned due to insufficiency of quorum, the business of the previous adjourned meeting shall be conducted and the Chief Commissioner shall give his decisions.

- (4) **Notice for Meeting:-** Notice for the meeting would be served in writing at least 7 days prior to the date of meeting and a copy of the agenda for such meeting shall primarily be sent to the Commissioners along with the notice or on a later date at the earliest.

Provided that an emergent meeting of the Commission may be called at a shorter notice.

- (5) **Matters to be decided by the Commission:-** The following matters, as provisioned in the Act and as needed for the day-to-day functioning of the Commission, shall be decided in a meeting:-

- (a) Recommendations to the Government under Section-17(1)(d), 17(1)(e) and 17(1)(f) of the Act;

58

- (b) Approval of the Annual Report under Section-18(2) of the Act;
- (c) Any other matter with the approval of the Chief Commissioner;

All other matters shall be disposed of by the Chief Commissioner, the Commissioners or the Officers of the Commission in accordance with the orders issued from time-to-time by the Chief Commissioner for distributing works among the Commissioners and delegating powers to the Officers of the Commission.

- (6) **Record of Minutes:-** The Minutes of the Meeting (MoM) of the Commission shall be recorded in writing and be kept in the concerned file after getting it signed by the Presiding Officer. Copy of the MoM prepared after the meeting shall also be circulated to the Commissioners at the earliest.

CHAPTER-3

4. Officers of the Commission and their Functions

- (1) **Appointment of Registrar:-** The Chief Commissioner may designate one or more of its officers in the Commission to function as Registrar(s) of the Commission.

- (2) **Appointment under RTI Act, 2005:-** The Chief Commissioner shall designate its officials as PIO and/or APIO, and as First Departmental Appellate Officer under the RTI Act - 2005.

5. Powers and Functions of the Registrar

- (1) The Registrar shall be the Officer representing the Commission to consider Revisions/ Complaints.
- (2) Registrar shall discharge his functions under the administrative control and superintendence of the Chief Commissioner.
- (3) All records of the Commission pertaining to Revisions/ Complaints and legal issues shall be in the custody of the Registrar or the person assigned for this duty by him.
- (4) The Office of the Registrar may receive all Revisions, Applications, Complaints, Counter Statements, Replies and other Documents.
- (5) The Registrar shall decide all questions arising out of the scrutiny of the Revision/ Complaint filed in the Commission before getting it registered.

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- (6) The Registrar shall sign the notice to communicate both the parties about the date of hearing as fixed by the respective Bench.
- (7) The Registrar shall communicate to the concerned person/persons about the decisions, orders or directions of the Commission, and all such communications signed or authenticated by the Registrar or issued under his authority shall be deemed to be the communication from the Commission.
- (8) The Registrar shall exercise all such powers and discharge all such functions as assigned under these Regulations or such duties as may be assigned by the Chief Commissioner from time-to-time.

CHAPTER-4

6. Working Hours of the Office of the Commission

Office of the Commission shall work and function and be opened on those working days, hours and duration as notified by the Uttarakhand Government:

Lunch shall be from 1330 – 1400 Hrs;

Provided that Chief Commissioner may change and decide working days, hours and duration of the Office issuing appropriate order there at.

CHAPTER-5

7. Registration, Abatement or Return of Revision/ Complaint

- (1) **Written Revision or Complaint etc.:-** Every Revision, Statement, Rejoinder, Reply or any other Document filed before the Commission shall be typed or printed or hand written neatly and legibly and the language used therein shall be formal and civilized and should not be in any way indecent or abusive. Three-sets of the documents in the paper-book form shall be presented in respect of any Revision/ Complaint:

Provided that Commission may at its discretion consider a Revision/ Complaint filed through other sources, including on-line submission through Commissions' website and email.

- (2) **Contents of Revision/ Complaint:** Contents of the Revision/ Complaint shall be the same as prescribed through the *pro forma* annexed (Annex-A) with these Regulations.
- (3) **Filling of Counter Statement by the Designated Officer:-** After receipt of a copy of the Revision/ Complaint, the Designated Officer shall file counter statement with documents, if any, pertaining to the case. The Designated Officer, under intimation to the Commission, shall serve a copy of the counter statement(s) so filed to the Revisionist/ Complainant.
8. **Referring Revision/ Complaint to the Service Commissioner**
- (1) The Single Bench, constituted of the Chief Commissioner or one Commissioner, shall hear the Revision/ Complaint in accordance with general or special orders issued by the Chief Commissioner from time-to-time.
- (2) The Chief Commissioner may constitute a Division Bench or a Full Bench if in his opinion the matter to be considered is important enough to justify consideration by such Bench.
- (3) Revision/ Complaint may be heard by a Bench either in person, or, if the Bench permits, through video-conferencing facility. The proceedings of a Bench conducted through the video-conferencing shall be valid.
9. **Transfer of Revision/ Complaint Cases**
- The Revision/ Complaint cases can be transferred by the Chief Commissioner from one Commissioner to another or to the Chief Commissioner, at any time, if it is so expedient to do so.
10. **Personal Presence of the Revisionist/ Complainant**
- (1) The Revisionist/ Complainant shall be informed of the date of hearing at least seven (7) clear days before that date.
- (2) The Revisionist/ Complainant may at his discretion be present in person or through his duly authorized representative at the time of hearing of the Revision/ Complaint by the Commission.
11. **Recommending to the Government the Departmental Proceedings against an Employee under Section 17(1) (d) of the Act**
- Before recommending departmental proceedings against an employee to the Government under Section 17(1) (d) of the Act, a Notice shall be issued to the concerned employee giving him an opportunity of being heard to explain his conduct. The Commission in its meeting, after taking due note of his

12. Communication of Decisions and Orders

- explanation, shall take final decision to make such a recommendation.
- (1) Every decision or order of the Commission or any of its Benches shall be signed and dated by the Chief Commissioner or Commissioner or Commissioners who have heard the Revision/ Complaint or have decided the matter.
 - (2) Every decision or order of a Bench of the Commission may either be pronounced in one of the sittings of the concerned Bench, or may be placed on its website, and may be communicated to the parties by the Registrar or any other Officer authorized by the Commission in this regard.
 - (3) Every such decision or order, whenever pronounced by a duly constituted Single Bench or Division Bench or Full Bench of Commissioners, shall be deemed to be the decision by the Commission under the Act.

CHAPTER-6

13. Miscellaneous

- (1) **Language of the Commission:-** Revision/ Complaint shall be filed in Hindi:

Provided that when Revisionist/ Complainant has practical difficulties in Hindi, he may file a Revision/ Complaint in English.
- (2) The proceedings of the Commission shall be conducted in Hindi.
- (3) In case of any conflict or ambiguity in these Regulations, the decision of the Chief Commissioner shall be final and a binding.


(Alok Kumar Jain)
Chief Commissioner

Date: 26 August 2015

FORM-'A'

Application for Filing Revision/ Complaint

1. Name of the person :
2. Father/Husband's name :
3. Residential address :
4. Contact Number with e-mail (if any) :
5. Details of the service sought (Copy of Original Application submitted to the Designated Officer, if available, shall be enclosed) :
6. Name of the department from which service sought :
7. Date of making application to the Designated Officer :
8. Date of disposal of application :
9. Acknowledgment, No. and date :
10. Date of filling of First Appeal :
11. Acknowledgment, No. and date :
12. Date of decision of First Appeal :
13. Acknowledgment, No. and date :
14. Date of filling of First Appeal :
15. Acknowledgment, No. and date :
16. Date of decision of First Appeal :
17. Acknowledgment, No. and date :
18. Relief claimed by the applicant in revision against the order passed in Second Appeal :

Date:

Place:

(Signatures of the Applicant)

Note:- *Certified and self-attested copy of the order issued by the Second Appellate Authority against which the Revision/Complaint is being filed by the applicant shall be enclosed hereunder.*

