



**OFFICE OF THE SENIOR SUPERINTENDENT OF POLICE, UT-CUM-SECOND  
APPELLATE-AUTHORITY UNDER CRTS ACT, UT, CHANDIGARH**

**Subject :** Petition No. 191 of 2022 titled as "Sh. Kirpal Singh Vs SHO PS Sector-34-cum-Designated Officer (under RTS Act) UT, Chandigarh".

**Appeal Order No.** D-04-08 /UT/RTSA/SSP/SAA dated : - 07-03-2023

**Name of Appellant :** Sh. Kirpal Singh,  
R/o H. No. 311, Sector 46 A,  
Chandigarh Mob. 98886-98311

**Concerned Designated Officer :** SHO PS Sector 34

**Concerned 1<sup>st</sup> Appellate Authority :** SDPO/South

**ORDER**

The petitioner Sh. Kirpal Singh had filed a complaint/petition on 20.12.2022 before the Hon`ble Chandigarh Right to Service Commission, UT Chandigarh stated therein that police department UT Chandigarh is not taking action on his complaint dated 15.11.2022. Thereupon, taking "sou-moto" cognizance as per section 17(1)(b) of the Punjab Right to Service Act, 2011 as extended to UT Chandigarh, the Hon`ble Chandigarh Right to Service Commission, UT Chandigarh vide order No. PS/CRTSC/2022/718-720 dated 22.12.2023 has referred the instant case to 1<sup>st</sup> Appellate Authority-cum-SDPO/South in order to afford an opportunity to Designated Officer-cum-SHO PS Sector 34 for deciding the complaint of the petitioner within a maximum period of 30 working days.

Thereafter, taking serious cognizance of non-action by the 1<sup>st</sup> Appellate Authority-cum-SDPO/South, the Hon`ble Chandigarh Right to Service Commission vide order dated 13.02.2023 has referred the instant case to the undersigned, being the 2<sup>nd</sup> Appellate Authority with the following directions :-

*"...Since the First Appellate Authority viz. the Sub Divisional Police Officer (South) UT Chandigarh has also failed to take decision in the matter within a maximum period of 30 working days from the date of issuance of the above mentioned order dated 22.12.2022 of the commission, the same has been viewed seriously by the Commission. However, in order to afford another opportunity to the Station House officer, police Station Sector 34, Chandigarh-cum-Designated Officer(under the Right to Service act), UT Chandigarh and keeping in view the provisions of the section 17(1)(b) of the Punjab*

*Right to Service act, 2011 as extended to the UT of Chandigarh, the case is referred to the Second Appellate Authority viz. the Senior Superintendent of Police UT, Chandigarh for decision in the matter within a maximum period of 60 working days from the date of issuance of this order, failing which I shall be constrained to initiate penal action against the Designated Officer as per provisions of section 2(h) of the Punjab Right to Service (Amendment) act, 2014."*

**COMMENTS OF 1<sup>st</sup> Appellate Authority-cum-SDPO/South :-**

Before proceeding further, comments of 1<sup>st</sup> Appellate Authority-cum-SDPO/South has been obtained who submitted that the matter pertains to a complaint bearing No. ICMS/2022/013501 dated 16.11.2022 filed by the petitioner against Ashok Kumar, Seema and others regarding friendly loan of Rs 24,49,815/- out of which Rs 21,49,815/- were paid through online bank transactions and Rs 3 lacs in cash to Mr. Ashok Kumar. Later on, alleged Ashok Kumar returned Rs 7,18,400/- and also given a Cheque of amount Rs 14, 20,000/- to the petitioner which was later dishonored due insufficient funds. During enquiry, it has been established that the matter is primarily related to money transaction which is purely civil in nature. Moreover, complainant also filed civil suit in District Court, Sector 43, Chandigarh in this regard and the same is pending before the Ld. Court. Therefore, the matter being civil in nature as well as sub-judice, the complaint in question i.e. ICMS/2022/013501 dated 16.11.2022 has been filed after completion of enquiry.

Further, 1<sup>st</sup> Appellate Authority-cum-SDPO/South has also informed the Hon'ble Chandigarh Right to Service Commission vide his letter dated 15.02.2023 that the enquiry report has been sent to senior officer on 11.02.2023.

**Personal Hearing :-**

Personal hearing in the matter was conducted in the office of the undersigned on 02.03.2023 at 11:30 AM which was attended by the petitioner as well as 1<sup>st</sup> Appellate Authority-cum-SDPO/South. The matter was discussed in detail and both parties were heard adequately.

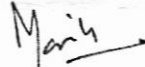
**DECISION :-**

I have gone through the matter thoroughly and versions of both the parties heard during personal hearing vis-à-vis material available on record revealed that the

matter was primarily related to money transactions which is purely civil in nature. In this regard, complainant also filed civil suit in District Court, Sector 43, Chandigarh and the same is pending. Accordingly, enquiry report into the complaint in question i.e. ICMS/2022/013501 dated 16.11.2022 has been sent to senior officers on 11.02.2023 and the same is filed, being civil in nature.

Moreover, versions of the petitioner as well as 1<sup>st</sup> Appellate Authority-cum-SDPO/South have been heard in detail and facts were also verified during personal hearing which also established that necessary/appropriate action has already been taken in the matter by the Designated Officer-cum-SHO PS 34 as well as by 1<sup>st</sup> Appellate Authority-cum-SDPO/South.

As the needful has already been done, so no more action is required to be taken in the matter. However, in order to maintain the spirit of Right to Service Act, Designated Officer-cum-SHO PS 34 as well as 1<sup>st</sup> Appellate Authority-cum-SDPO/South are hereby directed to strictly adhere to the provisions of Right to Service Act and complete the enquiry into complaints in a time bound manner as specified under Right to Service Act/Rules notified by Chandigarh Administration.

  
(Manisha Choudhary, IPS)  
Senior Superintendent of Police  
Union Territory, Chandigarh-cum-  
2<sup>nd</sup> Appellate Authority under RTSA.

Sh. Kirpal Singh,  
R/o H. No. 311, Sector 46 A,  
Chandigarh Mob. 98886-98311

Copies to :-

- 1 The Hon'ble Commissioner, Chandigarh Right to Service Commission, Nagar Yozana Bhawan, C-Wing, Sector 18 A, Madhya Marg, Chandigarh w.r.t. order No. PS/CRTSC/2023/84 dated 13.02.2023.
- 2 1<sup>st</sup> Appellate Authority-cum-SDPO/South
- 3 Designated Officer-cum-SHO PS 34
- 4 Computer Section.