

Chhattisgarh Lok Sewa Guarantee (Avedan, Appeal tatha Parivyaya ka Bhugtan) Niyam, 2011

CHHATTISGARH

India

Chhattisgarh Lok Sewa Guarantee (Avedan, Appeal tatha Parivyaya ka Bhugtan) Niyam, 2011

Rule

CHHATTISGARH-LOK-SEWA-GUARANTEE-AVEDAN-APPEAL-TATHA of 2011

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Chhattisgarh Lok Sewa Guarantee (Avedan, Appeal tatha Parivyaya ka Bhugtan) Niyam, 2011Published vide Notification No. F 3-2/2011/1-6, dated 14th December, 2011Last Updated 14th October, 2019Notification No. F 3-2/2011/1-6 dated the 14th December, 2011. - In exercise of the powers conferred by sub-section (1) of Section 9 of the Chhattisgarh Lok Sewa Guarantee Act, 2011 (No. 23 of 2011), the State Government, hereby makes the following rules for laying down the procedure for presenting application, appeal and payment of cost, namely : -

1. Short title and commencement.

(1)These rules may be called the Chhattisgarh Lok Sewa Guarantee (Avedan, Appeal tatha Parivyaya ka Bhugtan) Niyam, 2011.(2)They shall come into force from the date of its publication in the Official Gazette.

2. Definitions.

(1)In these rules, unless the context otherwise requires, -(a)"Act" means, the Chhattisgarh Lok Sewa Guarantee Act, 2011 (No. 23 of 2011);(b)"Appellate Authority" means, an officer empowered in Section 2(a) of the Act who can hear appeals against the orders passed by the Competent Officer;(c)"Competent Officer" means, an officer empowered to impose cost for default or delay caused by the person responsible for delivery of Lok Sewa as mentioned in Section 2(b) of the Act;(d)"Cost" means, cost as imposed for payment by the Competent Authority on a person responsible for delivering Lok Sewa for the services specified in Section 4(4) of the

Act;(e)"Department" means, a Department of the Government or a section, division, branch, office or constituent unit, or by whatever name called, of a local body, public authority or agency, as the case may be, as mentioned in Section 2(c) of the Act;(f)"Designated Officer" means, an officer responsible for delivering Lok Sewa as mentioned in Section 4(1) of the Act;(g)"Form" means, form attached to these rules made under the Act;(h)"Government" means, the Government of Chhattisgarh as mentioned in Section 2(d) of the Act;(i)"Local body" means, any Authority, Municipal Corporation, Municipality Panchayat or any other body, as mentioned in Section 2(e) of the Act;(j)"Lok Sewa" means, services mentioned in Section 2(f) of the Act;(k)"Notification" and "Notified" means a notification published in the Official Gazette under Section 2(g) of the Act;(l)"Prescribed" means, prescribed by these rules;(m)"Public Authority" means, an authority or body or an autonomous body mentioned in Section 2(i) of the Act;(n)"Rule" means the Chhattisgarh Lok Sewa Guarantee (Avedan, Appeal tatha Parivyaya ka Bhugtan) Niyam, 2011;(o)"Schedule" means, issuing of Schedule under these rules related to notified civilians in public service under Section 3(1) of the Act;(p)"Stipulated time" means, the specified time to provide Lok Sewa or to decide the appeal by the Appellate Authority notified under these rules.(2)The words and expressions used in these rules which are not defined, shall have the same meaning as assigned to them in the Act.

3. Authorization of Designated Officer.

- Each department, shall designate a responsible officer, for delivering Lok Sewa in prescribed time under Section 4(1), and the designated officer shall be responsible for necessary action on each application and providing Lok Sewa to the applicant in stipulated time as mentioned in the Schedule.

4. Procedure for receiving application.

- Each Officer designated by department shall authorise his sub-ordinate officer/employee to receive the applications, examine them and to issue the acknowledgement to the applicant for the public services provided by his office.

5. Issuing of acknowledgement to applicant.

- The officer/employee authorised under the said procedure, on receipt of applications shall immediately check whether necessary documents have been annexed with the application. Application which is complete in all respect and with necessary documents shall only be entertained. Authorised officer/employee shall give acknowledgement to the applicant in Form-1, as specified in Rule 4. Incomplete applications shall be returned back to applicant with a note on its incompleteness. Complete applications received on each working day, shall be produced before "Designated Officer" on the same working day for providing Lok Sewa.

6. Declaration of Competent Officer.

- As per Section 5 of the Act, each department shall declare one or more than one Competent Officer, who is/are not below the rank of Designated Officer responsible for providing Lok Sewa, for enquiring the default or delay made by Designated Officer. The Competent Officer shall have the powers to impose cost on Designated Officer under the provisions of the Act. If the Designated Officer failed to provide Lok Sewa in stipulated time, the applicant may submit complaint to Competent Officer. On receiving such a complaint, Competent Officer shall enquire into the reasons for delay in providing Lok Sewa and after according a reasonable opportunity of hearing to the Designated Officer, decide the complaint within 30 days. Competent Officer after going through reasons and facts produced by Designated Officer shall decide whether he is responsible or not for delay in providing Lok Sewa. If Designated Officer is found responsible for not providing services in stipulated time then the Competent Officer shall impose cost under Section 4(4) of the Act and give the directions to provide services at the earliest, if the services are not provided to the applicant. Copy of the order passed by Competent Officer shall be endorsed to applicant, designated officer and the officer having administrative control over designated officer. Responsibility of designated officer to provide service required by the applicant at the earliest shall remain intact even after cost is imposed on him. Any person who is aggrieved by an order passed by the Competent Officer shall be entitled to file an appeal before the Appellate Officer within 30 days.

7. Appointment of Appellate Officer.

- For the hearing of appeals filed by the aggrieved party against the order passed by Competent Officer, each Department shall notify Appellate Officer under Section 7(2) of the Act whose rank shall not be below the rank of Competent Officer. Appellate Officer shall decide the appeal within a maximum time limit of 45 days, from the date of filing appeal and while disposal of appeal follow rules of natural justice. The order passed by Appellate Authority shall be final and binding.

8. Appeal.

- Any person who is aggrieved by an order passed by the Competent Officer shall be entitled to file an appeal before the Appellate Authority within a period not exceeding thirty days from the receipt of the impugned order. There shall be no fees for appeal. (1) The following information shall be furnished in an application for appeal - (i) name and complete address of the appellant; (ii) brief description of required service; (iii) date of the application produced before Designated Officer for providing service; (iv) date of the application produced before Competent Officer; (v) particulars of that order of competent officer against whom appeal is made with date; (vi) the grounds for appeal; (vii) relief sought; (viii) any other information necessary for filing appeal. (2) Documents to be annexed with appeal. - The following documents shall be annexed with every application for appeal, namely (i) self-attested copy of the order of the Competent Officer against which the appeal is made; (ii) the copies of the documents mentioned in the application for appeal; (iii) the index of the documents annexed with the application for appeal; (iv) self-attested copies of the documents mentioned in the original applications of applicant and appellant.

9. Procedure for deciding appeal.

- In deciding the application for appeal the Appellate Authority shall -(i)inspect relevant documents, public documents or copies thereof;(ii)hear Designated Officer/applicant, as the case may be, at the time of appeal.

10. Service of notice of hearing.

- The notice of hearing of application for appeal may be served in any of the following manner -(i)by hand delivery (dasti) through special messenger;(ii)by the registered post with due acknowledgement;(iii)in case of a Government servant, through his Controlling Officer.

11. Personal appearance of the appellant.

(1)In every case the appellant shall be intimated with the date of hearing, at least seven clear days prior to such date of hearing.(2)If any party remains absent after due service of notice of the fixed date of hearing, then the application for appeal may be disposed in his absence.

12. Order in appeal.

(1)During hearing of Appeal signature/thumb impression of both the parties shall be obtained in order sheet;(2)The copy of appeal order shall be given to both parties and also endorsed to the following : -(a)For information to Competent Officer and if the appeal of Designated Officer is rejected then, with the direction to pay amount of cost positively;(b)Administrative or Disciplinary Controlling Department of concerned Designated Officer for appropriate administrative action and for record in his service particulars.

13. Payment of cost.

- In case of dismissal or rejection of appeal the Designated Officer has to pay the amount of cost within seven days as imposed by the Competent Officer on him.

14. Method for the payment of cost.

(1)Cost shall be paid in the following manner(a)Each Competent Officer shall open a savings account in his own name in a nationalized bank for depositing and withdrawal of amount collected as the cost and maintain record of the amount deposited and withdrawn in his office in a separate cash book.(b)Each Designated Officer shall deposit amount of cost imposed on him in the account opened by Competent Officer as mentioned in the (a) above and shall inform to the Competent Officer alongwith the photocopy of counterfoil as given by the bank.(c)Amount deposited as above shall be paid to the applicant in person or by cheque/bank draft or through money order.(d)For the payment of cost to the applicant, fees incurred on bank draft or money order shall be borne by Competent Officer through interest on the amount deposited in bank or by concerning Drawing and

Disbursing Officer from contingency fund.(2)Payment by other methods -(i)If the Designated Officer failed to pay the amount of cost imposed on him as specified in rule 13, then the Competent Officer shall direct Drawing and Disbursing Officer to recover the amount of cost from the next salary of the Designated Officer and deposit it in the bank saving account as mentioned in Rule 14(l)(a). Directions of Competent Officer shall be binding on Drawing and Disbursing Officer.(ii)Amount received as above method shall be deposited by the Drawing and Disbursing Officer under intimation to the Competent Officer, who in turn pay it to the applicant as specified in the Rule 14(l)(c).

15. Calculation of stipulated time for the service.

- For providing Lok Sewa Calculation of stipulated time shall be in the form of working days.

16. Display of information on the notice board.

- The Designated Officer in Form-2 attached with these rules shall cause to exhibit the relevant information of the services on a notice board installed at a conspicuous place of his office for the convenience of general public. The details of necessary documents to be attached with an application for obtaining notified services shall be displayed on the notice board.

17. Maintenance of record of disposed cases under the Act.

- For the maintenance of record of disposed cases under the Act, the Designated Officer, shall maintain the record of the cases in Form-3, and appellate officer in Form-4 attached with these rules.

18. Liability for furnishing false information to obtain Lok Sewa.

- No person shall submit any application which contains any fact or information, which he knows or has reasons to believe to be false, to obtain any Lok Sewa, and who furnishes such fact or information may be liable for criminal action under the law for the time being in force.

19. Monitoring and inspection.

- The State Government may issue directions from time to time for effective implementation of the provisions of the Act, superintendence of the cases filed under the Act and for the inspection of the offices of the Designated Officer, Competent Officer, Appellate Authority and Drawing and Disbursing Officer.Form 1[See Rule 5]Form of Acknowledgement under the Chhattisgarh Lok Sewa Guarantee Act, 2011

Name and Address
of the office of
DesignatedOfficer

1. Name and Address of the applicant
2. Date of receiving application in the office of Designated Officer
3. Name of the service for which the application is given
4. Particulars of the documents which are essential for receiving service, but are not enclosed with the application
5. Last date as per stipulated time limit for delivery of Lok Sewa

Place :

Date : Signature of Recipient Name and Designation with Seal

Note. - In case of not receiving all the documents with the application, the last date mentioned in point 5 above shall not be given. Form 2 [See Rule 16] Form for providing information on Notice Board Name, Designation and Office of the Designated Officer.....

S. No.	Notified Public Service	Documents to be annexed with the application	Stipulated time limit for the services	Name and Designation of the Competent Officer	Name and Designation and Address of the Office of Appellate Authority	Stipulated time limit for the disposal of Appeal
(1)	(2)	(3)	(4)	(5)	(6)	(7)

- 1.
- 2.
- 3.

Name,
Designation and
Chamber of
the Officer/employee
authorised to
1. receive
application in
the office of
Designated
Officer

2. Time limit for filing appeal Within thirty days from the decision of Competent Officer

Note. - Please obtain acknowledgement of your application compulsorily. Form 3 [See Rule 17] Form of Register to be maintained in the Office of Designated Officer Name of the Office of the Designated Officer.....Month.....Year.....

S. No.	Name and Address of applicant	Service for which the application is	Application allowed./ disallowed	Last date of the stipulated time limit	Date of providing service	Date and details of the order passed by Competent Officer
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given

(1) (2) (3) (4) (5) (6) (7)

Form 4[See Rule 17]Form of Register to be maintained in the Office of Appellate AuthorityName of the Office of the Appellate Authority.....

S. No.	Name and Address of appellant	Date of filing appeal	Designation of the Competent Officer (alongwiththe name of office against the decision of whom the appeal isfiled)	Last date of the stipulated time limit as fixedfor the disposal of appeal	Date and detail of order in appeal
(1)	(2)	(3)	(4)	(5)	(6)