

Annexure-A

The Punjab Right to Service Commission (Management) Regulations, 2012

In exercise of the powers conferred by section 17(4) of the Punjab Right to Service Act, 2011 (Act 24 of 2011) and all other enabling provisions in this behalf, Punjab Right to Service Commission hereby makes the following Regulations for management of the affairs of the Punjab Right to Service Commission so as to enable it to function effectively :-

CHAPTER – 1

1. Short Title and Commencement

- (i) These Regulations may be called ‘The Punjab Right to Service Commission (Management) Regulations, 2011.
- (ii) They shall come into force with effect from 17.04.2012
 - a. Applications/Revisions which have already been filed before the date of commencement of these Regulations and have been found in order and are already registered before this date will be proceeded with as before and shall not abate for any infirmity therein but these Regulations will be applicable for any prospective action even in regard to such pending Applications /Revisions.

2. DEFINITIONS: In these Regulations unless the context otherwise requires:-

- a) “Act” means the Punjab 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 Administrative Secretary of the Commission appointed by the State Govt.
- e) “Decision” includes an order, direction or determination of an issue.
- f) “Single Bench” means a Bench constituted by the Chief Commissioner comprising one Commissioner to hear Revisions.

- g) "Division Bench" means a Bench constituted by the Chief Commissioner comprising two Commissioners sitting together to hear Revisions.
- h) "Full Bench" means a Bench constituted by the Chief Commissioner comprising more than two Commissioners sitting together to hear Revisions.
- i) "Record" mean the aggregate of papers relating to Revisions
- j) "Registry" means a Branch of the Commission dealing with Revisions.
- k) "Regulation" means Regulation framed herein.
- l) "Representative" means a person duly authorized by or on behalf of any of the parties to the proceedings.
- m) "Respondent" includes an intervener or a third party or a party impleaded by the Commission.
- n) "Rules" mean the Rules framed by the State Government under Section 21(1) of the Act.
- o) "Public Information Officer" means the Officer nominated by the Commission to work as Public Information Officer under the Right to Information Act, 2005.
- p) "Assistant Public Information Officer" means the Officer nominated by the Commission to work as Assistant Public Information Officer under the Right to Information Act, 2005.
- q) "Appellate Authority" means the officer nominated by the Commission to hear appeals against the orders of Public Information Officer of the Commission.
- r) Words and expressions used herein but not defined shall have the same meaning as defined in the Act.

CHAPTER – II :

3 Meetings of the Commission :-

- I. The Commission shall meet to consider and decide the matters related to the transactions of business of the Commission ordinarily once in 2 months at such date, time and place as may be fixed by the Chief Commissioner from time to time.
- II. The meetings of the Commission shall be ordinarily held at the headquarter of the Commission and will be presided over by the Chief Commissioner.

- III. All matters at a meeting of the Commission shall be decided by a majority of the votes of the Commissioners present.
- IV. Two Commissioners shall form quorum at a meeting of the commission. If there is no quorum at any meeting, the meeting shall be adjourned and in the adjourned meeting, the business of the first meeting shall be conducted irrespective of whether there is quorum or not.
- V. **Notice for meeting** – At least 7 days notice in writing to call a meeting of the Commission shall be given to and copy of the agenda for such meeting shall be sent to the commissioners, either with the notice or thereafter as soon as possible.

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

- VI. **Matters to be decided by the Commission** – The following matters will be decided by the Commission in its meetings held under the foregoing provisions:-
 - a) Recommendations to the Government under clauses (e) and (f) of section 17(1) of the Act;
 - b) Approval of the Annual Report under section 18(2) of the Act;
 - c) Approval of the Budget and Annual Accounts of the Commission.
 - d) Amendments to these regulations;
 - e) Any other matter with the approval of the Chief Commissioner;

All other matters will be disposed of by the Chief Commissioner, by the Commissioners or Officers of the Commission in accordance with orders issued from time to time by the Chief Commissioner for distribution of work among the Commissioners and as per delegation in favour of the Officers of the Commission.

- VII. **Record of Minutes** - The minutes of the meeting of the Commission shall be recorded in writing and signed by the Presiding Officer and shall be kept in the Proceeding Book. Copy of such proceedings shall also be circulated for information of the Commissioners as soon as possible after the meeting.

CHAPTER – III

4 Officers of the Commission and their functions :

- I. **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.

5 Powers and functions of the Registrar:-

- I. The Registrar shall be the Officer representing the Commission to consider Revisions.
- II. Registrar shall discharge his functions under the administrative control and superintendence of the Chief Commissioner.
- III. All records of the Commission pertaining to Revisions and legal issues shall be in the custody of the Registrar or the person assigned this duty by him.
- IV. The office of the Registrar may receive all revisions, applications, complaints, counter statements, replies and other documents.
- V. The Registrar shall decide all questions arising out of the scrutiny of the Revisions filed in the Registry before these are registered.
- VI. The Registrar shall sign the notice for date of hearing fixed by respective Bench for communication to both the parties.
- VII. The Registrar shall communicate the decisions, orders or directions of the Commission to the concerned person/persons, and all such communications signed or authenticated by the Registrar or under his authority shall be deemed to be the communication from the Commission.
- VIII. The Registrar shall exercise all such powers and discharge all such functions as are assigned to him by these Regulations or such duties as may be assigned by the Chief Commissioner from time to time.

CHAPTER – IV

6. Working Hours:-

Subject to any order by the Chief Commissioner, the office of the Commission will be open on all working days notified by the Government of Punjab, from 9.00 AM to 5.00 PM with a lunch break of half an hour from 1:30 PM to 2.00 PM.

CHAPTER – V

7. Registration, Abatement or Return of Revision :-

- I. **Revision or Complaint etc. to be in writing:** 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. The Revision shall be presented in at least three sets in a paper-book form.

Provided that the Commission may take notice of a revision or a complaint made to it in any other form including those sent through e-mail.

- II. **Contents of Revision:** The contents of the Revision shall be the same as specified in the proforma given in the Rules as Annexed to these Regulations.
- III. **Filing of Counter Statement by the Designated Officer:-** After receipt of a copy of the revision, the Designated Officer shall file counter statement with documents, if any, pertaining to the case. A copy of the counter statement (s) so filed shall be served to the Appellant or Complainant by the Designated Officer as the case may be under intimation to the Commission.

8. Posting of Revision before the Service Commissioner -

- I. Revision shall be heard by a Single Bench consisting of one Designated Commissioner or Chief Commissioner in accordance with general or special orders issued from time to time by the Chief Commissioner.
- II. 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.
- III. Revision may be heard by a Bench either in person or through video conference facility. The proceedings of a Bench conducted through the video conference shall be valid.

9. Personal presence of the Appellant:

- I. The Appellant shall be informed of the date of hearing at least seven (7) clear days before that date.

- II. The Appellant may at his discretion be present in person or through his duly authorized representative at the time of hearing of the Revision by the Commission

10 Procedure for making recommendations to the State Govt. for Departmental Action against any officer or employee under section 17 (1) (d) of the Punjab Right to Service Act:

Before making any recommendations to the State Government under Section 17 (1) (d) of the Act for departmental action against any officer or employee, the concerned person shall be issued a notice for giving him an opportunity of being heard to explain his conduct. After hearing him, the concerned Commissioner or Commissioners shall take a decision taking in to consideration the explanation given by him.

11 Communication of decisions and Orders:

- I. Every decision or order of the Commission or any of its Benches shall be signed and dated by the Commissioner or Commissioners who have heard the Revision or have decided the matter.
- II. Every decision/order of a Bench of 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 under authentication by the Registrar or any other Officer authorized by the Commission in this regard.
- III. Every such decision or order, whenever pronounced by a duly constituted Bench of a Single Commissioner or by a Division Bench or by a Full Bench of Commissioners, shall be deemed to be the decision by the Commission under the Act .

CHAPTER- VI

12. MISCELLANEOUS:-

- I. **Language of the Commission:** - Revision or a Complaint may be filed in Punjabi/English language.
- II. The proceedings of the Commission may be conducted in Punjabi or in English.

- III. In case of any conflict or ambiguity in these Regulations, the decision of the Chief Commissioner shall be final.

Sd/-

17.04.2012

CHIEF COMMISSIONER