**PUNJAB STATE INFORMATION COMMISSION**

 **RED CROSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGRH**

 **Tele No. 0172-2864112, FAX No. 0172-2864125, Visit us @** [**www.infocommpunjab.com**](http://www.infocommpunjab.com)

 **Emaiil:psic22@punjabmail.gov.in**

Mrs. Satnam Kaur

W/o Late Sh. Gian Singh,

House No.224, Block-B,

Model Town Extension,

Ludhiana Appellant

Versus

Public Information Officer,

O/o Assistant Town Planner,

Zone-D, Municipal Corporation,

Ludhiana

First Appellate Authority

O/o Commissioner,

Municipal Corporation,

Mata Rani Chowk, Ludhiana Respondents

 **APPEAL CASE NOs.1711 and 1742 of 2017**

Date of RTI application : 28.02.2017/28.03.2017

Date of First Appeal : 25.04.2017/05.05.2017

Date of Order of FAA : Reply 20.03.2017/Nil

Date of 2nd Appeal/complaint : 27.06.2017/28.06.2017

**Present:** None on behalf of the Appellant.

 Sh. Vijay Kumar, PIO – cum – ATP, Municipal Corporation, Ludhiana – for Respondents.

**ORDER**

 **The case has been heard through video conferencing.**

The following observations were made by the Commission on 04.10.2017:

 *“The following order was passed by this forum on 23.08.2017:-*

 *“The appellant had sought an information on the action having been taken for the offences made by the owners towards its construction of property No.234/235-B, Model Town Extension, Ludhiana. Other concomitant information relating to same available in their office has also been requisitioned.*

 *The respondents have brought the information which has been handed over to the appellant on spot. The appellant may go through it and convey his reaction to the respondents as well as the Commission before the next date of hearing.”*

 *“The cases have come up for hearing today.*

 *Sh. Gurpreet Singh son of the appellant is present on behalf of her. He is still Contd…page…2*

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***APPEAL CASE NOs.1711 and 1742 of 2017***

*dissatisfied with the information provided to him. Having considered the matter in entirety it transpires that he is seeking some executive action against the offenders who have violated the building bye-*

*laws. The Commission observes that such an authority is not vested in it to pass on the directions. It seems that the information available with the respondents has been transmitted to the appellant. However, he submits that there has been an inordinate delay in providing the information.*

 *The original applications were filed by the appellant on 28.02.2017/28.03.2017 and the information has been provided during the course of hearing on 23.08.2017. There is tangible delay of more than one hundred days.*

 *Sh. Vijay Kumar, PIO – cum – ATP, Zone ‘D’ , O/o Municipal Corporation, Ludhiana is issued a show cause notice to explain in a self- attested affidavit as to why a penalty @ Rs.250/- per day of delay subject to maximum of Rs.25,000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on him for causing willful delay / denial of the information to the RTI applicant and why the compensation be not awarded to the Appellant under Section 19 (8) (b) of the Act for the detriment suffered by him.*

 *In addition to the written reply, the PIO is also given an opportunity under Section 20(1) proviso thereto, for a personal hearing before the imposition of such penalty on the next date of hearing. He may take note that in case he does not file his written reply and does not avail himself of the opportunity of personal hearing on the date fixed, it will be presumed that he has nothing to say and the Commission shall proceed to take further proceedings against him ex parte”*

The cases have come up today. The appellant is absent.

 Sh. Vijay Kumar, PIO – cum – ATP who had submitted an affidavit submits that the application was re-routed to him on 25.07.2017 by the office and he had promptly sent the information on 21.08.2017 to the appellant. He, as such, is not personally responsible for any delay.

 Be that as it is, there has been a delay in the office of the Commissioner, Municipal Corporation beyond 100 days. The Commissioner of the Corporation is directed to fix the responsibility and take appropriate action against the officials responsible for the delay under *Contd…page…3*

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***APPEAL CASE NOs.1711 and 1742 of 2017***

intimation to the Commission within a month positively. He is further directed to streamline the functioning and ensure that the applications received in the Municipal Corporation are promptly transmitted to the concerned PIO and the information is supplied to the seeker within the stipulated time only.

  **Disposed.**

 **Sd/-**

**27.12.2017 ( Yashvir Mahajan )**

 **State Information Commissioner**

**CC: Sh.Vijay Kumar, PIO – cum - Assistant Town Planner, Zone ‘D’, Municipal Corporation, Mata Rani Chowk, Ludhiana.**

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Sh. Rakesh Kumar Gupta,

S/o Late Sh. Deen Dayal,

Chamber No.362, Lawyers Chamber complex

Judicial Courts, Ludhiana Appellant

Versus

Public Information Officer,

O/o Zonal Superintendent,

Zone-D (B&R Br.), Municipal Corporation,

Ludhiana

First Appellate Authority

O/o Municipal Corporation Zone-D,

Ludhiana Respondents

 **APPEAL CASE NO.1796/2017**

Date of RTI application : 21.02.2017

Date of First Appeal : 15.04.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 09.06.2017

**Present:** None on behalf of the Appellant.

 1. Sh. Vijay Kumar, PIO – cum – ATP, Zone ‘D’, MC Office, Ludhiana.

 2. Sh. Rajiv Bhardwaj, Superintendent, Zone ‘D’, MC Office, Ludhiana – for Respondents.

**ORDER**

 **The case has been heard through video conferencing.**

It shall be appropriate to re-produce the orders passed by the Commission on 04.10.2017 to have the issue in perspective:

 *“****The case has been heard through video conferencing.***

*The Commission in its interim order dated 23.08.2017 had made the following observations:*

 *“The appellant had sought to know an information concerning the land comprised in Khasra No.653, 655, 657, 660, 659, 656, 657, 658 measuring of about 300 plus acres of land situated in village Barewal HB No.157, Tehsil and District Ludhiana.*

 *Contd…page…2*

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***APPEAL CASE NO.1796/2017***

 *It is alleged that the land in question is in illegal occupancy of one Sh. Garib Singh. The appellant seeks to know the Authority under which he is in occupation of land? Is an amount of lease if at all being charged from him? Some other concomitant information with reference to above*

*property has also been sought.*

 *The reply filed by the respondents is very sketchy. An attempt has been made to*

*pass the buck to different branches of the Corporation. The PIO (Hqrs.) who acts as a Nodal Officer of the Public Authority is directed to compile the appropriate reply and arrange to provide the information thus sought to the appellant well before the next date of hearing. Serious allegations have been made. Any delay shall entail penal consequences.”*

 *“Sh. Ravinder Singh Walia, Draftsman appearing on behalf of the respondents submits that the order of the Commission was duly forwarded to Sh. Vijay Kumar, PIO –lcum – ATP, Zone ‘D’ to provide the information to the appellant. He has neither filed any written reply nor provided the information to the appellant.*

 *The Commission observes that a direction from the First Appellate Authority to provide the information has also been ignored.*

 *The PIO seems to be defiant to the orders of the Authority duly passed under law. He has rendered himself, as such, liable for the penal consequences for having failed to provide the information in terms of Section 7(1) of the Act.*

 *Sh. Vijay Kumar, PIO – cum – Assistant Town Planner, Zone ‘D’, Municipal Corporation The PIO is, thus, issued a show cause notice to explain in a self- attested affidavit as to Contd…page…3*

 *-3-*

***APPEAL CASE NO.1796/2017***

*why a penalty @ Rs.250/- per day of delay subject to maximum of Rs.25,000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on him for causing willful delay / denial of the information to the RTI applicant and why the compensation be not awarded to the Appellant under Section 19 (8) (b) of the Act for the detriment suffered by him.*

 *In addition to the written reply, the PIO is also given an opportunity under Section 20(1) proviso thereto, for a personal hearing before the imposition of such penalty on the next date of hearing. He may take note that in case he does not file his written reply and does not avail himself of the opportunity of personal hearing on the date fixed, it will be presumed that he has nothing to say and the Commission shall proceed to take further proceedings against him ex parte.”*

The case has come up today. The appellant is absent. Nothing has been heard from him also.

 Sh. Vijay Kumar, PIO appearing on behalf of the Respondents states that the information has since been supplied to him. He further informs the Commission that the land in question was acquired by the Municipal Corporation and thereafter it was sold to the dairy owners in order to shift them out of the walled town. Currently, it is in the ownership of the private persons. As far as its title is concerned the Corporation has nothing to do with it.

 The appellant as such has been suitably informed. No more cause of action sustains. The show cause notice, thus issued, is filed and the appeal is **disposed.**

 **Sd/-**

**27.12.2017 ( Yashvir Mahajan )**

 **State Information Commissioner**

**CC: Sh. Vijay Kumar, PIO – cum – Assistant Town Planner, Zone ‘D’, Municipal Corporation, Mata Rani Chowk, Ludhiana.**

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Sh. Tejinder Singh, Journalist,

Village Bholapur, P.O. Ramgarh,

Chandigarh Road, Ludhiana -141123

 Appellant

Versus

Public Information Officer,

O/o Greater Ludhiana Area Development Authority,

Ludhiana

First Appellate Authority

O/o Addl. Chief Administrator,

Greater Ludhiana Area Development Authority,

Ludhiana Respondents

**APPEAL CASE NO.2954/2015**

**Present:** Sh. Tejinder Singh, Appellant in person at Commission’s office, Chandigarh. Sh. Santosh Kumar Bains, PIO – cum – SDE, O/o, GLADA, Ludhiana,-for Respondents.

**ORDER**

 **The case has been heard through video conferencing.**

It is a classic case of bureaucratic indifference and neglect to the duties as well as defiance to the order of the statutory authorities. The application seeking the information about the Urban Estate in Dhandari Kalan, Ludhiana was filed on 18.02.2015. Legions of hearings and notices to the respondents have gone un-responded. A show cause notice finally was issued to Sh. Ram Singh, PIO – cum – Sr. Law Officer, GLADA on 19.10.2016. However, he was transferred out without showing any cause or transferring the information to the applicant. His successor Sh. Santosh Kumar Bains, PIO – cum – SDE, GLADA also had to be issued a show cause notice on 20.09.2017 for the inordinate delay during his incumbency.

 Though the information was finally provided on 10.08.2017 but it has taken more than two years of dogged resistance by the respondents. No convincing reply has been filed by the respondents to explain such a massive delay. No leniency as such could be afforded to them. The respondents as such are guilty of offence under Section 7(2) of the Act. The delay is substantial and more than 100 days in case of both the incumbents. Exercising its authority under Section 20(1) of Contd…page…2

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**APPEAL CASE NO.2954/2015**

The RTI Act, the Commission imposes a penalty of Rs.10,000/- (Rupees Ten Thousand only) in lump sum on Sh. Ram Singh, PIO – cum – Sr. Law Officer and Sh. Santosh Kumar Bains, PIO – cum – SDE, GLADA, Ludhiana collectively which shall be recovered @ Rs.5,000/- each from the aforesaid PIOs out of their salary for the month of February, 2018.

 The Drawing & Disbursing Officer shall ensure that the amount of penalty is deposited in the government treasury under head given below:

- 0070-Other Administrative Services

- 60 Other Services

- 800 Other Receipts

- 86 Fee under RTI Act, 2005

A copy of the challans shall be sent to the Commission for record before the next date of hearing positively.

 The appellant has been pursuing the matter for more than two years. He is awarded a compensation of Rs.5,000/- (Rupees Five Thousand only) under Section 19(8) (b) of the RTI Act for the detriment suffered by him as he had to visit the office of the Commission again and again without any tangible results. The amount shall be sent to the appellant through Demand Draft under intimation to the Commission within a period of thirty days.

 To come up for reporting compliance of the order on **14.03.2018 at 11.30 AM through video conference at Ludhiana.**

 **Sd/-**

**27.12.2017 ( Yashvir Mahajan )**

 **State Information Commissioner**

**CC: The Chief Administrator, Greater Ludhiana Dev. Authority (GLADA), Ludhiana.**