



**By Registered Post**

Sh. Ved Prakash,  
R/o # 286, Govind Vihar,  
Baltana, Zirakpur, District-Mohali.

Appellant

Versus

Public Information Officer,  
O/o Executive Officer,  
Municipal Council,  
Zirakpur, SAS Nagar.

First Appellate Authority,  
O/o Deputy Director,  
Local Bodies,  
Patiala.

Respondents

**Appeal Case No.1082/2019**

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
20.12.2018	Nil	02.02.2019	Nil	19.03.2019

**Present:**

**Appellant-  
Respondents-**

**Sh. Satyapal Malik, Proxy.  
Sh. Lakhbir Singh, Building Inspector, O/o MC,  
Zirakpur.**

**ORDER**

The following observations were made by the bench on 21.05.2019:

*"The Commission takes serious note of the absence of respondents.*

*The appellant is aggrieved with the lack of civic amenities specifically the scarcity of drinking and marooning by storm water in his locality namely Govind Vihar, Baltana (Zirakpur). He rues that his numerous representations and complaints are going unaddressed by the authorities of Municipal Council, Zirakpur. They have failed to apprise him of the steps having been taken on the complaints. The Commission, while taking exception to their indifference, directs the Municipal Council to provide the information called for, failing which the penal consequences shall follow.*

*Sh. Lakhbir Singh, Building Inspector, is present but he is clueless about the issue. The respondents have neither filed any reply to the notice to the Commission nor have supplied information to the information seeker.*

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*The EO- cum- PIO is hereby 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 Complainant 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 respondents are present. The Commission observes that the appellant is seeking redressal of a grievance related to the non-disposal of the storm water, thereby causing nuisance to the inhabitants. The appellant had sent numerous communications to the respondents, which have gone un-responded. Though, the Commission believes it is not in a position to direct the respondents to redress his grievance

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immediately, but it certainly expects them to inform him about the status of the issue whatsoever. The respondents in the instant case have chosen to dismiss his umpteen communications on the issue. They have not even bothered to file a single reply to his original application under RTI and various reminders.

The Commission believes that the respondents have ignored their obligations under Section 7 (1) of the RTI Act and thus rendered themselves liable for imposition of the penalty. The show cause notice stands issued to the Executive Officer, Municipal Council, Zirakpur. Taking into view the totality of the issue and circumstances, the Commission imposes a penalty of Rupees 10,000/- (Rupees Ten Thousand only) in lump sum on the PIO, i.e. the then EO, Municipal Council, in whose incumbency this application was filed, which shall be recovered from his salary in two equal installments commencing from the month of January, 2020. His Drawing & Disbursing Officer shall ensure that the amount of penalty is deducted from his salary and deposited in the government treasury under the head given below:

- 0070-Other Administrative Services- 60

- Other Services - 800 Other Receipts- 86 Fee under RTI Act, 2005

A copy of the challan shall be sent to the Commission for record immediately.

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The appellant is awarded a compensation of Rs.3000/- (Rupees Three Thousand only) for suffering the detriment in pursuing the matter relentlessly without any tangible result in procuring the information.

**Disposed.**

**03.10.2019**

**Sd/-  
(Yashvir Mahajan)  
State Information Commissioner**

**CC: The Director, Local Government, Room Number 001/1, Plot-3, Sector-35-A, Chandigarh.**