

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.

Ph: 0172-2864101, Fax 0172-2864110 Helpline 0172-2864100

Email: pcic20@punjabmail.gov.in Visit us: www.infocommpunjab.com

Whatsapp No. 62848-20189



Sh. Rakesh Kumar Gupta,
8/237, Jagraon Road, Mandi Mullanpur,
District Ludhiana

....Appellant

Vs

Public Information Officer
o/o E.O. Municipal Council,
Mullanpur Dakha,
District Ludhiana

First Appellate Authority
o/o Deputy Director, Local Bodies,
District Ludhiana

Public Information Officer
o/o Director,
Local Government
(Establishment Branch)
Sector 35, Chandigarh.

....Respondents

Appeal Case No. 562 of 2021

Order

This order may be read with reference to the previous order dated 16.6.2022 vide which the order in this case was reserved to be pronounced.

1. That on hearing dated 4.10.2021, the appellant was directed to establish the public interest involved in seeking the voluminous information before the next date of hearing to take the matter to its logical end.
2. That on hearing dated 23.11.2021 the representative of respondents stated that partial information has been given to the appellant relating to o/o Mullanpur Dhaka and partial information relates to the Head Office resultantly, the respondent PIO was directed to transfer the RTI application under section 6(3) of the RTI Act to PIO o/o Director Local Government, Punjab and appellant was directed to go through the information and point out deficiency, if any.
3. That on hearing dated 10.2.2022, PIO o/o the Director, Local Government, Punjab, Chandigarh was impleaded as necessary party in this case and one last opportunity was afforded to the appellant to file submissions, if any regarding the public interest involved in seeking the voluminous information. The appellant was absent during the hearing.
4. That on hearing dated 19.4.2022, the case was fixed for hearing at Chandigarh on 16.6.2022 and both the parties were directed to remain present before the

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Commission . It was also clarified that in case of absence of any party on the next date of hearing, the case will be decided ex-party, on merit.

5. That on hearing dated 16.6.2022, the respondent PIO stated that information has been provided to the appellant vide letter no. 12308 dated 1.4.2022 and appellant has not sent any deficiency in the information. The above said letter is available in the case file. The appellant was absent on the hearing. He was sent a copy of the order dated 19.4.2022 though registered post intimating him proceedings and next dated of hearing. The appellant has not sent any deficiency in the information and his public interest involved in seeking the voluminous information. The decision was kept reserved to be pronounced later.

6. The reply filed by the respondent viz a viz RTI application of the appellant is reproduced below:-

| ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਸਬੰਧੀ ਆਪ ਵਲੋਂ ਆਰ.ਟੀ.ਆਈ. ਐਕਟ 2005 ਅਧੀਨ ਮੰਗੀ ਗਈ ਸੂਚਨਾ ਦੇ ਸਬੰਧ ਵਿਚ ਆਪ ਨੂੰ ਹੇਠ ਲਿਖੇ ਅਨੁਸਾਰ ਸੂਚਿਤ ਕੀਤਾ ਜਾਂਦਾ ਹੈ:- | | |
|---|---|--|
| ਲੜੀ ਨੰ: | ਮੰਗੀ ਗਈ ਸੂਚਨਾ | ਮੁਹੱਈਆ ਕਰਵਾਈ ਜਾਣ ਵਾਲੀ ਸੂਚਨਾ |
| i. | Provide certified record of above stated, employees Mr. Parvinder Singh (Executive officer, MC Dakha, Distt. Ludhiana), Mr. Sukesh Kumar Bagai, (SO-cuum-JE, MC Dakha, Distt, Ludhiana), Mr. Navjesh Chopra, (AME, MC Dakha, Distt, Ludhiana), Mr. Lakhwinder Singh (Officiating Building Clerk, MC Dakha, Distt, Ludhiana) including their educational, technical qualifications, work experiences at the time of joining the job/department/state Govt. | ਇਸ ਸਬੰਧੀ ਆਪ ਨੂੰ ਕਾਰਜ ਸਾਧਕ ਅਫਸਰ, ਨਗਰ ਕੌਂਸਲ, ਮੁਲਾਂਪੁਰ ਦਾਖਾ ਵਲੋਂ ਪੱਤਰ ਨੰ: 935 ਮਿਤੀ 18-05-2021 ਰਾਹੀਂ ਸੂਚਨਾ ਮੁਹੱਈਆ ਕਰਵਾ ਦਿੱਤੀ ਗਈ ਹੈ। ਪ੍ਰਾਰਥੀ ਦੀ ਪ੍ਰਤੀ ਬੇਨਤੀ ਸਸ-3 ਸ਼ਾਖਾ ਨੂੰ 6(3) ਅਧੀਨ ਟ੍ਰਾਂਸਫਰ ਕੀਤੀ ਜਾਂਦੀ ਹੈ। |
| ii. | Provide certified record of records of exam passed and education acquired during job along with permission to appear in the exams and conduct study during job. | ਇਸ ਸ਼ਾਖਾ ਵਿਖੇ ਜੇ.ਈ. ਅਤੇ ਏ.ਐਮ.ਈ. ਦਾ ਅਮਲਾ ਡੀਲ ਕੀਤਾ ਜਾਂਦਾ ਹੈ। ਆਪ ਵਲੋਂ ਸ਼੍ਰੀ ਸੁਕੇਸ਼ ਬਾਗੀ ਵਲੋਂ ਮੰਗੀ ਗਈ ਸੂਚਨਾ ਦੇ ਸਬੰਧ ਵਿਚ ਸੂਚਿਤ ਕੀਤਾ ਜਾਂਦਾ ਹੈ ਕਿ ਇਸ ਕਰਮਚਾਰੀ ਵਲੋਂ ਇਸ ਆਸਾਮੀ ਤੇ ਤੈਨਾਤੀ ਦੌਰਾਨ ਪੜ੍ਹਾਈ ਲਈ ਕੋਈ ਪ੍ਰਵਾਨਗੀ ਨਹੀਂ ਲਈ ਗਈ। ਇਸ ਤੋਂ ਇਲਾਵਾ ਸ਼੍ਰੀ ਨਵਜੋਸ਼ ਚੋਪੜਾ, ਏ.ਐਮ.ਈ. ਨੂੰ ਸਿਵਲ ਇੰਜੀਨੀਅਰਿੰਗ ਦੀ ਡਿਗਰੀ ਕਰਨ ਲਈ ਪ੍ਰਵਾਨਗੀ ਇਸ ਵਿਭਾਗ ਦੇ ਪੱਤਰ ਨੰ: 4ਡਸਸ-ਮਸਸ-2008/198 ਮਿਤੀ 22-04-2008 ਰਾਹੀਂ ਦਿੱਤੀ ਗਈ ਸੀ। (ਕਾਪੀ ਨੱਥੀ) |
| iii. | Provide certified copies of request letters and permissions for study leave and record of study leave acquired. | ਇਸ ਸ਼ਾਖਾ ਵਿਖੇ ਜੇ.ਈ. ਅਤੇ ਏ.ਐਮ.ਈ. ਦਾ ਅਮਲਾ ਡੀਲ ਕੀਤਾ ਜਾਂਦਾ ਹੈ। ਆਪ ਵਲੋਂ ਸ਼੍ਰੀ ਸੁਕੇਸ਼ ਬਾਗੀ ਅਤੇ ਸ਼੍ਰੀ ਨਵਜੋਸ਼ ਚੋਪੜਾ, |

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| | | <p>ਏ.ਐਮ.ਈ. ਵਲੋਂ ਮੰਗੀ ਗਈ ਸੂਚਨਾ ਦੇ ਸਬੰਧ ਵਿਚ ਸੂਚਿਤ ਕੀਤਾ ਜਾਂਦਾ ਹੈ ਕਿ ਇਨ੍ਹਾਂ ਕਰਮਚਾਰੀਆਂ ਵਲੋਂ ਇਨ੍ਹਾਂ ਆਸਾਮੀਆਂ ਤੇ ਤੈਨਾਤੀ ਦੌਰਾਨ ਕੋਈ ਵੀ ਪੜ੍ਹਾਈ ਸਬੰਧੀ ਛੁੱਟੀ ਨਹੀਂ ਲਈ ਗਈ।</p> |
| iv. | Provide certified record of department, Intra-department and external courses, trainings conducted by them. | <p>ਇਸ ਸ਼ਾਖਾ ਵਿਖੇ ਜੇ.ਈ. ਅਤੇ ਏ.ਐਮ.ਈ. ਦਾ ਅਮਲਾ ਡੀਲ ਕੀਤਾ ਜਾਂਦਾ ਹੈ। ਆਪ ਵਲੋਂ ਸ੍ਰੀ ਸੁਕੇਸ਼ ਬਗੀ ਵਲੋਂ ਮੰਗੀ ਗਈ ਸੂਚਨਾ ਦੇ ਸਬੰਧ ਵਿਚ ਸੂਚਿਤ ਕੀਤਾ ਜਾਂਦਾ ਹੈ ਕਿ ਇਸ ਕਰਮਚਾਰੀ ਵਲੋਂ ਇਸ ਆਸਾਮੀ ਤੇ ਤੈਨਾਤੀ ਦੌਰਾਨ ਕੋਈ ਵੀ department, Intra-department and external courses, trainings ਸਬੰਧੀ ਇਸ ਸ਼ਾਖਾ ਵਲੋਂ ਪ੍ਰਵਾਨਗੀ ਨਹੀਂ ਦਿੱਤੀ ਗਈ।</p> <p>ਉਕਤ ਤੋਂ ਇਲਾਵਾ ਇਸ ਵਿਭਾਗ ਦੀ ਲੇਖਾ ਸ਼ਾਖਾ ਵਲੋਂ ਲੇਖਾਕਾਰ ਦੀ ਪ੍ਰੀਖਿਆ ਲਈ ਪੇਪਰ ਲਏ ਜਾਂਦੇ ਹਨ। ਇਸ ਲਈ ਪ੍ਰਾਰਥੀ ਦੀ ਪ੍ਰਤੀ ਬੇਨਤੀ ਲੇਖਾ ਸ਼ਾਖਾ ਨੂੰ 6(3) ਅਧੀਨ ਟ੍ਰਾਂਸਫਰ ਕੀਤੀ ਜਾਂਦੀ ਹੈ।</p> |
| v. | Provide certified record of orders of promotions of these officers and the copies of rules/orders/directions under which these were promoted without acquiring the mandatory qualifications for the posts. | <p>ਸ੍ਰੀ ਸੁਕੇਸ਼ ਬਗੀ ਨੂੰ ਇਸ ਵਿਭਾਗ ਦੇ ਪੱਤਰ ਮਿਤੀ 04-09-2020 ਰਾਹੀਂ ਬਤੌਰ ਲੇਖਾਕਾਰ ਗ੍ਰੇਡ-2 ਤਰੱਕੀ ਦਿੱਤੀ ਗਈ ਸੀ (ਕਾਪੀ ਨੱਥੀ) ਇਸ ਤੋਂ ਇਲਾਵਾ ਤਰੱਕੀ ਸਬੰਧੀ ਰੂਲਾਂ ਦੀ ਕਾਪੀ ਨੱਥੀ ਕੀਤੀ ਜਾਂਦੀ ਹੈ।</p> <p>ਸ੍ਰੀ ਨਵਜੋਸ਼ ਚੌਪੜਾ ਨੂੰ ਇਸ ਵਿਭਾਗ ਦੇ ਪੱਤਰ ਮਿਤੀ 29-11-2012 ਰਾਹੀਂ ਬਤੌਰ ਏ.ਐਮ.ਈ. ਤਰੱਕੀ ਦਿੱਤੀ ਗਈ ਸੀ (ਕਾਪੀ ਨੱਥੀ) ਇਸ ਤੋਂ ਇਲਾਵਾ ਤਰੱਕੀ ਸਬੰਧੀ ਰੂਲਾਂ ਦੀ ਕਾਪੀ ਨੱਥੀ ਕੀਤੀ ਜਾਂਦੀ ਹੈ।</p> |
| vi. | Provide certified records of the present postings and qualifications required for any person to join these postings provide copies of rules/directions under which these officers were exempted from mandatory qualifications while promoting. | <p>ਸ੍ਰੀ ਸੁਕੇਸ਼ ਬਗੀ ਦੀ ਇਸ ਵਿਭਾਗ ਦੇ ਪੱਤਰ ਮਿਤੀ 04-09-2020 ਰਾਹੀਂ ਬਤੌਰ ਲੇਖਾਕਾਰ ਗ੍ਰੇਡ-2 ਤਰੱਕੀ ਦੇਣ ਉਪਰੰਤ ਪੱਤਰ ਮਿਤੀ 29-09-2020 ਰਾਹੀਂ ਨ.ਕ. ਰਾਏਕੋਟ ਵਿਖੇ ਤੈਨਾਤੀ ਕੀਤੀ ਗਈ (ਕਾਪੀ ਨੱਥੀ)</p> <p>ਇਸ ਤੋਂ ਇਲਾਵਾ mandatory qualifications ਤੋਂ ਛੋਟ ਦੇਣ ਸਬੰਧੀ ਕੋਈ ਵੀ ਰੂਲ/ਹਦਾਇਤਾਂ ਨਹੀਂ ਹਨ।</p> <p>ਸ੍ਰੀ ਨਵਜੋਸ਼ ਚੌਪੜਾ, ਏ.ਐਮ.ਈ. ਨੂੰ ਇਸ ਵਿਭਾਗ ਦੇ ਪੱਤਰ ਮਿਤੀ</p> |

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| | | 19-12-2020 ਰਾਹੀਂ ਨਗਰ ਕੌਂਸਲ, ਰਾਏਕੋਟ (ਵਾਪੂ ਚਾਰਜ, ਮੁਲਾਪੁਰ ਦਾਖਾ ਅਤੇ ਮਾਛੀਵਾੜਾ) ਵਿਖੇ ਤੈਨਾਤ ਕੀਤਾ ਗਿਆ ਹੈ (ਕਾਪੀ ਨੱਥੀ) ਇਸ ਤੋਂ ਇਲਾਵਾ mandatory qualifications ਤੋਂ ਛੋਟ ਦੇਣ ਸਬੰਧੀ ਕੋਈ ਵੀ ਰੂਲ/ਹਦਾਇਤਾਂ ਨਹੀਂ ਹਨ। |
| vii. | Provide certified copies of approval as per instructions of Finance Department Punjab, provide copy of per instructions of Finance Department Punjab regarding their promotions/CDC. | ਇਸ ਸਬੰਧੀ ਸੂਚਨਾ ਨਿਲ ਹੈ। |
| viii. | Provide certified copies of review done by Administrative department through Personnel, Department regarding necessity in Public Interest in each case of promotion/CDC employee. | ਇਸ ਸਬੰਧੀ ਸੂਚਨਾ ਨਿਲ ਹੈ। |
| ix. | Provide certify copy of letter of approval of each employ for CDC/promotion. | ਇਸ ਸਬੰਧੀ ਸੂਚਨਾ ਨਿਲ ਹੈ। |
| x. | Certified copies of complaints received against these officials and copy of inquiry and action taken report. | ਪ੍ਰਾਰਥੀ ਦੀ ਪ੍ਰਤੀ ਬੇਨਤੀ ਸਸ-3 ਸ਼ਾਖਾ ਨੂੰ 6(3) ਅਧੀਨ ਟ੍ਰਾਂਸਫਰ ਕੀਤੀ ਜਾਂਦੀ ਹੈ। |
| xi. | Certified records of these officials regarding their suspension or dismissal from job during their service. Provide orders regarding their rejoining the job and rejoining letter. | ਇਸ ਸ਼ਾਖਾ ਵਿਖੇ ਜੇ.ਈ. ਅਤੇ ਏ.ਐਮ.ਈ. ਦਾ ਅਮਲਾ ਡੀਲ ਕੀਤਾ ਜਾਂਦਾ ਹੈ। ਆਪ ਵਲੋਂ ਸ੍ਰੀ ਸੁਕੇਸ਼ ਬਰੀ ਅਤੇ ਸ੍ਰੀ ਨਵਜੋਸ਼ ਚੋਪੜਾ, ਏ.ਐਮ.ਈ. ਵਲੋਂ ਮੰਗੀ ਗਈ ਸੂਚਨਾ ਦੇ ਸਬੰਧ ਵਿਚ ਸੂਚਿਤ ਕੀਤਾ ਜਾਂਦਾ ਹੈ ਕਿ ਇਸ ਸਬੰਧੀ ਸੂਚਨਾ ਨਿਲ ਸਮਝੀ ਜਾਵੇ। |
| xii. | Provide certified copies of their posts and postings of these officers along with copies of transfer orders, joining letters and special (out of the way) promotions given or duties assigned from joining of this officers till date. | ਲੜੀ ਨੰ: 06 ਅਨੁਸਾਰ ਹੈ। |
| xiii. | In case part of the information's sought by the applicant pertains to some other PIO, the application be transferred to him U/s 6(3) of RTI Act. 2005. | ਇਸ ਸਬੰਧੀ ਕਾਰਜ ਸਾਧਕ ਅਫਸਰ, ਨਗਰ ਕੌਂਸਲ, ਮੁਲਾਪੁਰ ਦਾਖਾ ਵਲੋਂ ਪੱਤਰ ਨੰ: 935 ਮਿਤੀ 18-05-2021 ਰਾਹੀਂ ਮੁਹਈਆ ਕਰਵਾ ਦਿੱਤੀ ਗਈ ਹੈ। ਪ੍ਰਾਰਥੀ ਦੀ ਪ੍ਰਤੀ ਬੇਨਤੀ ਸਸ-3 ਸ਼ਾਖਾ ਅਤੇ ਲੇਖਾ ਸ਼ਾਖਾ ਨੂੰ 6(3) ਅਧੀਨ ਟ੍ਰਾਂਸਫਰ ਕੀਤੀ ਜਾਂਦੀ ਹੈ। |
| xiv. | Kindly provide an appointment to verify the original records pertaining to information sought after providing the information. | ਪ੍ਰਾਰਥੀ ਵਲੋਂ ਮੰਗੀ ਗਈ ਸੂਚਨਾ ਸਬੰਧੀ ਕਿਸੇ ਵੀ ਕੈਮ-ਕਾਜ ਵਾਲੇ ਦਿਨ ਦਫਤਰ ਵਿਚ ਸਪੱਰਕ ਕਰਕੇ ਰਿਕਾਰਡ ਦੀ ਪੜਤਾਲ ਕੀਤੀ ਜਾ ਸਕਦੀ ਹੈ। |

7. After the perusal of the case file, it has transpired that the respondent has already supplied the sufficient information which is very voluminous and personal information. The respondent PIO has also afforded the opportunity to inspect the concerned record on any working day, but the appellant has not availed the same. Moreover, the appellant has not submitted his public interest in seeking the voluminous

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Appeal Case No. 562 of 2021

information and thus he has not complied with the order dated 4.10.2021 and subsequently, he was also given last opportunity to submit the public interest involved in seeking the information sought in the RTI application on hearing dated 10.2.2022 but he failed to submit the same.

8. That in view of the above facts mentioned above, no more cause of action is required to be taken in this case. Hence this case is disposed of and closed.

Dated 4.7.2022

@s

sd

(Suresh Arora)

Chief information Commissioner, Punjab.

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Sh. Rakesh Kumar Gupta,
8/237, Jagraon Road, Mandi Mullanpur,
District Ludhiana

....Appellant

Vs

Public Information Officer
o/o E.O. Municipal Council,
Mullanpur Dakha,
District Ludhiana

First Appellate Authority
o/o Deputy Director, Local Bodies,
District Ludhiana

....Respondents

Appeal Case No. 563 of 2021

Order

This order may be read with reference to the previous order dated 16.6.2022 vide which the order in this case was 'reserved' to be pronounced.

1. That on hearing dated 4.10.2021, the appellant was directed to establish the public interest involved in seeking the voluminous information before the next date of hearing to take the matter to its logical end.
2. That on hearing dated 23.11.2021 the representative of respondents stated information pertaining to the titled case " is similar as has been sought by the appellant in Appeal Case No. 3446 of 2018 in which complete information has already been provided to him." The appellant was directed to file submissions in this regard.
3. That on hearing dated 10.2.2022, both the parties were absent in the hearing. The appellant did not avail the opportunity to submit the public interest in seeking the voluminous information Further he did not submit response with regard to information already supplied in Appeal case no. 3446 of 2018.
4. That on hearing dated 19.4.2022, the case was fixed for hearing at Chandigarh on 16.6.2022 and both the parties were directed to remain present before the Commission. It was also clarified that in case of absence of any party on the next date of hearing, the case will be decided ex-party, on merit.
5. That on hearing dated 16.6.2022, the respondent PIO stated that information has already been provided to the appellant vide letter no. 2467 dated 18.11.2021 and the appellant has not sent any deficiency in the information provided so far. He also did not avail the opportunity to inspect the concerned record. The appellant was absent during the hearing. He was sent a copy of the order dated 19.4.2022 though registered post intimating him proceedings and next date of hearing. The appellant has not sent any deficiency in the

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2 Appeal case No. 563 of 2021

information provided to him and also did not submit his public interest involved in seeking the voluminous information. The decision was kept reserved to be pronounced later.

6. RTI application of the appellant is reproduced below:-

- i. Provide certified copies of building plans legal and illegal residential, commercial and mix land use complexes under the current jurisdiction of MC Mullanpur Dakha. Also provide copies of approval or declaration of unapproved colonies/complexes. Provide copies of complete correspondences.
- ii. Provide certified copies of Notices given to illegal residential, commercial and mix land use complexes and to buildings made illegally without approval of building plan or in violation of building bye laws. Also provided copies of action recommended and action taken reports including replies/explanations submitted by violators.
- iii. Provide certified copies of residential, commercial and mix land use complexes in process of approval and the present status. Provide movement record of the files along with receipt and dispatch registers for movement of files.
- iv. Provide certified copies of Policy of regularisation of building, plots and complexes/colonies. provide copies of certificate/letter of regularisation done, pending and rejected of building, plots and complexes/colonies. Provide copies of payment receipts made by the applicant and refunds made.
- v. Provide various slabs of fee and penalties for regularisation of building, plots and complexes/colonies from 1-1-2005 and increases and decreases in those fees and penalties in a routine manner or by the way of notification. In case of notifications, pls provide copies of notification also.
- vi. Provide copies of OTS settlement policies for regularisation of building, plots and complexes/colonies along with copies of extension and abolition of such policies. Provide details, which policies were implemented in MC Mullanpur Dakha and which not.
- vii. Provide certified copies of Complaint received or self detection by MC Staff of illegal colonies/complexes/buildings and Action initiated against the violators. In case penalty is imposed, provide copy of receipt and criteria of calculation of penalties and fees in such cases.
- viii. In case part of the information sought by the applicant pertains to some other PIO, the application be transferred to him U/s 6 (3) of RTI Act, 2005.
- ix. Kindly provide an appointment to verify the original records pertaining to information sought after providing the information.

7. After the perusal of the case file, it has transpired that the respondent has already supplied the sufficient information which is very voluminous. The information sought for relates to large no. of third parties. The respondent PIO has also afforded the opportunity to inspect the concerned record on any working day, but the appellant has not availed the same. Moreover, the appellant has not submitted his public interest in seeking the voluminous information and thus he has not complied with the order dated 4.10.2021.

8. That in view of the above facts mention above, no more cause of action is required to be taken in this case. Hence this case is disposed of and closed.

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Dated 4.7.2022

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Suresh Arora

Chief information Commissioner, Punjab.