

**QPPUNJAB STATE INFORMATION COMMISSION
RED CROSS BUILDING, NEAR ROSE GARDEN,
SECTOR 16, CHANDIGARH.**

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Visit us: - www.infocommpunjab.com

Helpline No.0172-2864100(From 10.00 AM to 04.00 PM on working days)



Shri Rakesh Kumar Gupta, Advocate,
8/237, Jagraon Road,
Mandi Maullanpur,
Distt.Ludhiana.

.....Appellant

Versus

Public Information Officer

O/o Executive Officer,
Municipal Council,
Mullanpur Dakha,
District Ludhiana.

First Appellate Authority

O/o Deputy Director,
Local Bodies, Ludhiana.

....Respondents

AC No.633/2020

Present:

- (i) **Shri Rakesh Kumar Gupta, appellant**
- (ii) **Shri Abhay Joshi, Accountant, Municipal Council,
Mullanpur Dakha, District Ludhiana /APIO.**

ORDER

Heard through Video Conferencing

1. This order may be read with reference to the order dated 02.09.2020 passed by this Bench on the previous date of hearing.
2. The case has been heard today through V.C. in the office of D.C. Ludhiana. Shri Rakesh Kumar Gupta, appellant attends the hearing through V.C. He states that he had visited the office of Municipal Council, Mullanpur Dakha, but he has neither been shown the relevant official records nor any information has been supplied to him. He further states that he is called to the office of PIO but not entertained, thereby resulting in his harassment.
3. Shri Abhay Joshi, Accountant/PIO, Municipal Council, Mullanpur Dakha comes present to attend the hearing through V.C. He states that for want of non-cooperation of the officials concerned of the Municipal Council, the information could not be compiled and supplied to the appellant.
4. The Bench observes that the RTI application is dated 27.01.2020 and First Appeal is dated 31.01.2020. Even after a lapse of nine months, no information has been provided to the appellant. The Bench further expresses its displeasure over the statement made by the APIO and observes that since the previous hearing dated 02.09.2020, two months have elapsed but there has been no progress in the case. The Bench further observes that PIO is adopting casual approach towards the directions of the Bench which is viewed adversely.



-2-

AC No.633/2020

5. The PIO O/o Executive Officer, Municipal Council, Mullanpur Dakha, District Ludhiana is now issued show cause notice to explain as to why action should not be taken against him and also as to why penalty should not be imposed in the instant case for non-supply of information to the appellant and for not complying with the directions of Commission. He is also directed to file a written reply to the show cause notice as to why the appellant should not be compensated for the mental harassment suffered by him in getting the information.

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

7. The PIO is further directed to ensure that complete information is supplied to the appellant before the next hearing.

8. The PIO is again directed to file an affidavit, before the next hearing, as per the directions given by the Bench on the previous hearing. Original copy of the affidavit be sent to the appellant and photocopy of the same be sent to the Commission for record.

9. With the aforesaid directions, the matter is adjourned. **To come up for hearing on 18.01.2021 at 11.30 AM through V.C. in the office of D.C. Ludhiana.** Copies of the order be sent to the concerned parties.

**Chandigarh
04.11.2020**

**Sd/-
(Lt Gen Ajae Kumar Sharma(Retd))
State Information Commissioner, Punjab**

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.....Appellant

Versus

Public Information Officer

O/o Executive Officer,
Municipal Council,
Mullanpur Dakha,
District Ludhiana.

First Appellate Authority

O/o Deputy Director,
Local Bodies, Ludhiana.

....Respondents

AC No.634 of 2020

Present:

- (i) **Shri Rakesh Kumar Gupta, appellant**
- (ii) **Shri Abhay Joshi, Accountant, Municipal Council,
Mullanpur Dakha, District Ludhiana /APIO.**

ORDER

Heard through Video Conferencing

1. This order may be read with reference to the order dated 02.09.2020 passed by this Bench on the previous date of hearing.
2. The case has been heard today through V.C. in the office of D.C. Ludhiana. Shri Rakesh Kumar Gupta, appellant attends the hearing through V.C. He states that he had visited the office of Municipal Council, Mullanpur Dakha, but he has neither been shown the relevant official records nor any information has been supplied to him. He further states that he is called to the office of PIO but not entertained, thereby resulting in his harassment.
3. Shri Abhay Joshi, Accountant/PIO, Municipal Council, Mullanpur Dakha comes present to attend the hearing through V.C. He states that for want of non-cooperation of the officials concerned of the Municipal Council, the information could not be compiled and supplied to the appellant.
4. The Bench observes that the RTI application is dated 28.01.2020 and First Appeal is dated 31.01.2020. Even after a lapse of nine months, no information has been provided to the appellant. The Bench further expresses its displeasure over the statement made by the APIO and observes that since the previous hearing dated 02.09.2020, two months have elapsed but there has been no progress in the case. The Bench further observes that PIO is adopting casual approach towards the directions of the Bench which is viewed adversely.



-2-

AC No.634/2020

5. The PIO O/o Executive Officer, Municipal Council, Mullanpur Dakha, District Ludhiana is now issued show cause notice to explain as to why action should not be taken against him and also as to why penalty should not be imposed in the instant case for non-supply of information to the appellant and for not complying with the directions of Commission. He is also directed to file a written reply to the show cause notice as to why the appellant should not be compensated for the mental harassment suffered by him in getting the information.

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

7. The PIO is further directed to ensure that complete information is supplied to the appellant before the next hearing.

8. The PIO is again directed to file an affidavit, before the next hearing, as per the directions given by the Bench on the previous hearing. Original copy of the affidavit be sent to the appellant and photocopy of the same be sent to the Commission for record.

9. With the aforesaid directions, the matter is adjourned. **To come up for hearing on 18.01.2021 at 11.30 AM though V.C. in the office of D.C. Ludhiana.** Copies of the order be sent to the concerned parties.

**Chandigarh
04.11.2020**

**Sd/-
(Lt Gen Ajae Kumar Sharma(Retd))
State Information Commissioner, Punjab**



Sh.Rakesh Kumar Gupta
Advocate,
8/237, Jagraon Road,
Mandi Maullanpur,
Distt.Ludhiana.

.....Appellant

Versus

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

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

....Respondents

AC No.635 of 2020

Present: (i) **Shri Rakesh Kumar Gupta, appellant**
(ii) **Shri Abhay Joshi, Accountant, Municipal Council,**
Mullanpur Dakha, District Ludhiana /APIO.

ORDER

Heard through Video Conferencing

1. This order may be read with reference to the order dated 02.09.2020 passed by this Bench on the previous date of hearing.
2. The case has been heard today through V.C. in the office of D.C. Ludhiana. Shri Rakesh Kumar Gupta, appellant attends the hearing through V.C. He states that he had visited the office of Municipal Council, Mullanpur Dakha, but he has neither been shown the relevant official records nor any information has been supplied to him. He further states that he is called to the office of PIO but not entertained, thereby resulting in his harassment.
3. Shri Abhay Joshi, Accountant/PIO, Municipal Council, Mullanpur Dakha comes present to attend the hearing through V.C. He states that for want of non-cooperation of the officials concerned of the Municipal Council, the information could not be compiled and supplied to the appellant.
4. The Bench observes that the RTI application is dated 29.01.2020 and First Appeal is dated 31.01.2020. Even after a lapse of nine months, no information has been provided to the appellant. The Bench further expresses its displeasure over the statement made by the APIO and observes that since the previous hearing dated 02.09.2020, two months have elapsed but there has been no progress in the case. The Bench further observes that PIO is adopting casual approach towards the directions of the Bench which is viewed adversely.



5. The PIO O/o Executive Officer, Municipal Council, Mullanpur Dakha, District Ludhiana is now issued show cause notice to explain as to why action should not be taken against him and also as to why penalty should not be imposed in the instant case for non-supply of information to the appellant and for not complying with the directions of Commission. He is also directed to file a written reply to the show cause notice as to why the appellant should not be compensated for the mental harassment suffered by him in getting the information.

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

7. The PIO is further directed to ensure that complete information is supplied to the appellant before the next hearing.

8. The PIO is again directed to file an affidavit, before the next hearing, as per the directions given by the Bench on the previous hearing. Original copy of the affidavit be sent to the appellant and photocopy of the same be sent to the Commission for record.

9. With the aforesaid directions, the matter is adjourned. **To come up for hearing on 18.01.2021 at 11.30 AM through V.C. in the office of D.C. Ludhiana.** Copies of the order be sent to the concerned parties.

**Chandigarh
04.11.2020**

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.....Appellant

Versus

Public Information Officer

O/o Executive Officer,
Municipal Council,
Mullanpur Dakha,
District Ludhiana.

First Appellate Authority

O/o Deputy Director,
Local Bodies, Ludhiana.

....Respondents

AC No.636 of 2020

Present: (i) **Shri Rakesh Kumar Gupta, appellant**
(ii) **Shri Abhay Joshi, Accountant, Municipal Council,
Mullanpur Dakha, District Ludhiana /APIO.**

ORDER

Heard through Video Conferencing

1. This order may be read with reference to the order dated 02.09.2020 passed by this Bench on the previous date of hearing.
2. The case has been heard today through V.C. in the office of D.C. Ludhiana. Shri Rakesh Kumar Gupta, appellant attends the hearing through V.C. He states that he had visited the office of Municipal Council, Mullanpur Dakha, but he has neither been shown the relevant official records nor any information has been supplied to him. He further states that he is called to the office of PIO but not entertained, thereby resulting in his harassment.
3. Shri Abhay Joshi, Accountant/PIO, Municipal Council, Mullanpur Dakha comes present to attend the hearing through V.C. He states that for want of non-cooperation of the officials concerned of the Municipal Council, the information could not be compiled and supplied to the appellant.
4. The Bench observes that the RTI application is dated 30.01.2020 and First Appeal is dated 04.02.2020. Even after a lapse of nine months, no information has been provided to the appellant. The Bench further expresses its displeasure over the statement made by the APIO and observes that since the previous hearing dated 02.09.2020, two months have elapsed but there has been no progress in the case. The Bench further observes that PIO is adopting casual approach towards the directions of the Bench which is viewed adversely.



-2-

AC No.636/2020

5. The PIO O/o Executive Officer, Municipal Council, Mullanpur Dakha, District Ludhiana is now issued show cause notice to explain as to why action should not be taken against him and also as to why penalty should not be imposed in the instant case for non-supply of information to the appellant and for not complying with the directions of Commission. He is also directed to file a written reply to the show cause notice as to why the appellant should not be compensated for the mental harassment suffered by him in getting the information.

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

7. The PIO is further directed to ensure that complete information is supplied to the appellant before the next hearing.

8. The PIO is again directed to file an affidavit, before the next hearing, as per the directions given by the Bench on the previous hearing. Original copy of the affidavit be sent to the appellant and photocopy of the same be sent to the Commission for record.

9. With the aforesaid directions, the matter is adjourned. **To come up for hearing on 18.01.2021 at 11.30 AM through V.C. in the office of D.C. Ludhiana.** Copies of the order be sent to the concerned parties.

**Chandigarh
04.11.2020**

**Sd/-
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.....Appellant

Versus

Public Information Officer

O/o Executive Officer,
Municipal Council,
Mullanpur Dakha,
District Ludhiana.

First Appellate Authority

O/o Deputy Director,
Local Bodies, Ludhiana.

....Respondents

AC No.637 of 2020

Present: (i) **Shri Rakesh Kumar Gupta, appellant**
(ii) **Shri Abhay Joshi, Accountant, Municipal Council,
Mullanpur Dakha, District Ludhiana /APIO.**

ORDER

Heard through Video Conferencing

1. This order may be read with reference to the order dated 02.09.2020 passed by this Bench on the previous date of hearing.
2. The case has been heard today through V.C. in the office of D.C. Ludhiana. Shri Rakesh Kumar Gupta, appellant attends the hearing through V.C. He states that he had visited the office of Municipal Council, Mullanpur Dakha, but he has neither been shown the relevant official records nor any information has been supplied to him. He further states that he is called to the office of PIO but not entertained, thereby resulting in his harassment.
3. Shri Abhay Joshi, Accountant/PIO, Municipal Council, Mullanpur Dakha comes present to attend the hearing through V.C. He states that for want of non-cooperation of the officials concerned of the Municipal Council, the information could not be compiled and supplied to the appellant.
4. The Bench observes that the RTI application is dated 31.01.2020 and First Appeal is dated 04.02.2020. Even after a lapse of nine months, no information has been provided to the appellant. The Bench further expresses its displeasure over the statement made by the APIO and observes that since the previous hearing dated 02.09.2020, two months have elapsed but there has been no progress in the case. The Bench further observes that PIO is adopting casual approach towards the directions of the Bench which is viewed adversely.



-2-

AC No.637/2020

5. The PIO O/o Executive Officer, Municipal Council, Mullanpur Dakha, District Ludhiana is now issued show cause notice to explain as to why action should not be taken against him and also as to why penalty should not be imposed in the instant case for non-supply of information to the appellant and for not complying with the directions of Commission. He is also directed to file a written reply to the show cause notice as to why the appellant should not be compensated for the mental harassment suffered by him in getting the information.

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

7. The PIO is further directed to ensure that complete information is supplied to the appellant before the next hearing.

8. The PIO is again directed to file an affidavit, before the next hearing, as per the directions given by the Bench on the previous hearing. Original copy of the affidavit be sent to the appellant and photocopy of the same be sent to the Commission for record.

9. With the aforesaid directions, the matter is adjourned. **To come up for hearing on 18.01.2021 at 11.30 AM through V.C. in the office of D.C. Ludhiana.** Copies of the order be sent to the concerned parties.

Chandigarh
04.11.2020

Sd/-
(Lt Gen Ajae Kumar Sharma(Retd))
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.....Appellant

Versus

Public Information Officer

O/o Executive Officer,
Municipal Council, Jagraon,
District Ludhiana.

First Appellate Authority

O/o Deputy Director,
Local Bodies, Ludhiana.

....Respondents

AC No.638/2020

Present: (i) **Shri Rakesh Kumar Gupta, appellant**
(ii) **None on behalf of the PIO.**

ORDER

Heard through Video Conferencing

1. This order may be read with reference to the order dated 02.09.2020 passed by this Bench on the previous date of hearing.
2. The case has been heard today through V.C. in the office of D.C. Ludhiana. Shri Rakesh Kumar Gupta, appellant attends the hearing through V.C.
3. Neither the PIO has come present to attend the hearing nor has deputed any of his representatives to attend the hearing through V.C. However, an e.mail has been received from the PIO stating that the appellant was called for inspection on 29.10.2020 and was apprised that the information has been sent to him by post. It has further been stated therein that the appellant was asked to confirm the receipt of information sent by post.
4. The appellant states that he visited the office of PIO for inspection of official records on 29.10.2020. With regard to the clarification to be given to the Municipal Council, as per their e.mail, the appellant states that he had checked from his records and found that he was supplied information in connection with Appeal Case No.3452 of 2020 which was disposed of by the Bench of Ld. State Information Commissioner, Shri Sanjeev Garg on 05.10.2020 and no information related to AC No.638/2020 has been received by him.



-2-

AC No.638/2020

5. The Bench observes that the directions of the Commission given on the previous date of hearing have not been complied with as the PIO was directed to supply the information to the appellant and also file an affidavit. The Bench also observes that the PIO was issued show cause notice on the previous hearing to which no reply has been filed by him. This indifferent and lackadaisical attitude of the PIO towards the directions of the Commission is viewed adversely. In addition, PIO/his representative have failed to attend today's hearing.

6. The facts of the case prove beyond any doubt that the PIO/Respondent does not deserve any leniency. Hence, in exercise of the powers conferred by Section 20(1) of the RTI Act, a penalty to the tune of Rs.5,000/- (Rupees Five Thousand only) is imposed upon PIO, O/o Executive Officer, Municipal Council, Jagraon, District Ludhiana, to be deducted from his salary, which is to be deposited in the State Treasury under the relevant head. The Drawing & Disbursing Officer concerned is directed to deduct the amount of penalty of Rs.5,000/- from the salary of the PIO and deposit the same in State Treasury in the following Head of Account and to report its compliance to the Commission before the next hearing:-

- 0070-Other Administrative Services – 60-Other Services-

-0800-Other Receipts- 86-Fee under the RTI Act, 2005.

7. The PIO is also directed to supply complete information to the appellant before the next date of hearing as also to come in person to attend the hearing through V.C. on the next date of hearing. He is also directed to file reply to the show cause notice as to file an affidavit, as per directions given on the previous hearing dated 02.09.2020.

8. With the aforesaid directions, the matter is adjourned. **To come up for hearing on 18.01.2021 at 11.30 AM through V.C. in the office of D.C. Ludhiana.** Copies of the order be sent to the concerned parties.

**Chandigarh
04.11.2020**

**Sd/-
(Lt Gen Ajae Kumar Sharma(Retd))
State Information Commissioner, Punjab**

Copy to (By Regd. Post)

Public Information Officer
O/o Executive Officer,
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.....Appellant

Versus

Public Information Officer

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Municipal Council,
Mullanpur Dakha,
District Ludhiana.

First Appellate Authority

O/o Deputy Director,
Local Bodies, Ludhiana.

....Respondents

AC No.641 of 2020

Present: (i) **Shri Rakesh Kumar Gupta, appellant**
(ii) **Shri Abhay Joshi, Accountant, Municipal Council,
Mullanpur Dakha, District Ludhiana /APIO.**

ORDER

Heard through Video Conferencing

1. This order may be read with reference to the order dated 02.09.2020 passed by this Bench on the previous date of hearing.
2. The case has been heard today through V.C. in the office of D.C. Ludhiana. Shri Rakesh Kumar Gupta, appellant attends the hearing through V.C. He states that he had visited the office of Municipal Council, Mullanpur Dakha, but he has neither been shown the relevant official records nor any information has been supplied to him. He further states that he is called to the office of PIO but not entertained, thereby resulting in his harassment.
3. Shri Abhay Joshi, Accountant/PIO, Municipal Council, Mullanpur Dakha comes present to attend the hearing through V.C. He states that for want of non-cooperation of the officials concerned of the Municipal Council, the information could not be compiled and supplied to the appellant.
4. The Bench observes that the RTI application is dated 26.01.2020 and First Appeal is dated 30.01.2020. Even after a lapse of nine months, no information has been provided to the appellant. The Bench further expresses its displeasure over the statement made by the APIO and observes that since the previous hearing dated 02.09.2020, two months have elapsed but there has been no progress in the case. The Bench further observes that PIO is adopting casual approach towards the directions of the Bench which is viewed adversely.



-2-

AC No.641/2020

5. The PIO O/o Executive Officer, Municipal Council, Mullanpur Dakha, District Ludhiana is now issued show cause notice to explain as to why action should not be taken against him and also as to why penalty should not be imposed in the instant case for non-supply of information to the appellant and for not complying with the directions of Commission. He is also directed to file a written reply to the show cause notice as to why the appellant should not be compensated for the mental harassment suffered by him in getting the information.

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

7. The PIO is further directed to ensure that complete information is supplied to the appellant before the next hearing.

8. The PIO is again directed to file an affidavit, before the next hearing, as per the directions given by the Bench on the previous hearing. Original copy of the affidavit be sent to the appellant and photocopy of the same be sent to the Commission for record.

9. With the aforesaid directions, the matter is adjourned. **To come up for hearing on 18.01.2021 at 11.30 AM through V.C. in the office of D.C. Ludhiana.** Copies of the order be sent to the concerned parties.

**Chandigarh
04.11.2020**

**Sd/-
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Versus

Public Information Officer

O/o Executive Officer,
Municipal Council,
Mullanpur Dakha,
District Ludhiana.

First Appellate Authority

O/o Deputy Director,
Local Bodies, Ludhiana.

....Respondents

AC No.642 of 2020

Present: (i) **Shri Rakesh Kumar Gupta, appellant**
(ii) **Shri Abhay Joshi, Accountant, Municipal Council,
Mullanpur Dakha, District Ludhiana /APIO.**

ORDER

Heard through Video Conferencing

1. This order may be read with reference to the order dated 02.09.2020 passed by this Bench on the previous date of hearing.
2. The case has been heard today through V.C. in the office of D.C. Ludhiana. Shri Rakesh Kumar Gupta, appellant attends the hearing through V.C. He states that he had visited the office of Municipal Council, Mullanpur Dakha, but he has been supplied only partial information and balance information is still pending.
3. Shri Abhay Joshi, Accountant/PIO, Municipal Council, Mullanpur Dakha comes present to attend the hearing through V.C. He states that for want of non-cooperation of the officials concerned of the Municipal Council, the entire information could not be compiled and supplied to the appellant and that the same will be supplied at the earliest.
4. The Bench observes that the RTI application is dated 27.01.2020 and First Appeal is dated 30.01.2020. Even after a lapse of nine months, complete information has not been provided to the appellant. The Bench further expresses its displeasure over the statement made by the APIO and observes that since the previous hearing dated 02.09.2020, two months have elapsed but there has been no progress in the case. The Bench further observes that PIO is adopting casual approach towards the directions of the Bench which is viewed adversely.



-2-

AC No.642/2020

5. The PIO O/o Executive Officer, Municipal Council, Mullanpur Dakha, District Ludhiana is now issued show cause notice to explain as to why action should not be taken against him and also as to why penalty should not be imposed in the instant case for non-supply of complete information to the appellant even after lapse of nine months and for not complying with the directions of Commission. He is also directed to file a written reply to the show cause notice as to why the appellant should not be compensated for the mental harassment suffered by him in getting the information.

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

7. The PIO is further directed to ensure that complete information is supplied to the appellant before the next hearing.

8. The PIO is again directed to file an affidavit, before the next hearing, as per the directions given by the Bench on the previous hearing. Original copy of the affidavit be sent to the appellant and photocopy of the same be sent to the Commission for record.

9. With the aforesaid directions, the matter is adjourned. **To come up for hearing on 18.01.2021 at 11.30 AM through V.C. in the office of D.C. Ludhiana.** Copies of the order be sent to the concerned parties.

**Chandigarh
04.11.2020**

**Sd/-
(Lt Gen Ajae Kumar Sharma(Retd))
State Information Commissioner, Punjab**

**PUNJAB STATE INFORMATION COMMISSION
RED CROSS BUILDING, NEAR ROSE GARDEN,
SECTOR 16, CHANDIGARH.**

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Helpline No.0172-2864100(From 10.00 AM to 04.00 PM on working days)



Sh.Rakesh Kumar Gupta
Advocate,
8/237, Jagraon Road,
Mandi Maullanpur,
Distt.Ludhiana.

Versus

.....Appellant

Public Information Officer

O/o Executive Officer,
Municipal Council,
Mullanpur Dakha,
District Ludhiana.

First Appellate Authority

O/o Deputy Director,
Local Bodies, Ludhiana.

....Respondents

AC No.643 of 2020

Present: (i) **Shri Rakesh Kumar Gupta, appellant**
(ii) **Shri Abhay Joshi, Accountant, Municipal Council,
Mullanpur Dakha, District Ludhiana /APIO.**

ORDER

Heard through Video Conferencing

1. This order may be read with reference to the order dated 02.09.2020 passed by this Bench on the previous date of hearing.
2. The case has been heard today through V.C. in the office of D.C. Ludhiana. Shri Rakesh Kumar Gupta, appellant attends the hearing through V.C. He states that he had visited the office of Municipal Council, Mullanpur Dakha, but he has neither been shown the relevant official records nor any information has been supplied to him. He further states that he is called to the office of PIO but not entertained, thereby resulting in his harassment.
3. Shri Abhay Joshi, Accountant/PIO, Municipal Council, Mullanpur Dakha comes present to attend the hearing through V.C. He states that for want of non-cooperation of the officials concerned of the Municipal Council, the information could not be compiled and supplied to the appellant.
4. The Bench observes that the RTI application is dated 25.01.2020 and First Appeal is dated 30.01.2020. Even after a lapse of nine months, no information has been provided to the appellant. The Bench further expresses its displeasure over the statement made by the APIO and observes that since the previous hearing dated 02.09.2020, two months have elapsed but there has been no progress in the case. The Bench further observes that PIO is adopting casual approach towards the directions of the Bench which is viewed adversely.



-2-

AC No.643/2020

5. The PIO O/o Executive Officer, Municipal Council, Mullanpur Dakha, District Ludhiana is now issued show cause notice to explain as to why action should not be taken against him and also as to why penalty should not be imposed in the instant case for non-supply of information to the appellant and for not complying with the directions of Commission. He is also directed to file a written reply to the show cause notice as to why the appellant should not be compensated for the mental harassment suffered by him in getting the information.

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

7. The PIO is further directed to ensure that complete information is supplied to the appellant before the next hearing.

8. The PIO is again directed to file an affidavit, before the next hearing, as per the directions given by the Bench on the previous hearing. Original copy of the affidavit be sent to the appellant and photocopy of the same be sent to the Commission for record.

9. With the aforesaid directions, the matter is adjourned. **To come up for hearing on 18.01.2021 at 11.30 AM through V.C. in the office of D.C. Ludhiana.** Copies of the order be sent to the concerned parties.

**Chandigarh
04.11.2020**

**Sd/-
(Lt Gen Ajae Kumar Sharma(Retd))
State Information Commissioner, Punjab**

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Sh.Rakesh Kumar Gupta
Advocate,
8/237, Jagraon Road,
Mandi Maullanpur,
Distt.Ludhiana.

.....Appellant

Versus

Public Information Officer

O/o Executive Officer,
Municipal Council,
Mullanpur Dakha,
District Ludhiana.

First Appellate Authority

O/o Deputy Director,
Local Bodies, Ludhiana.

....Respondents

AC No.661 of 2020

Present: (i) **Shri Rakesh Kumar Gupta, appellant**
(ii) **Shri Abhay Joshi, Accountant, Municipal Council,
Mullanpur Dakha, District Ludhiana /APIO.**

ORDER

Heard through Video Conferencing

1. This order may be read with reference to the order dated 02.09.2020 passed by this Bench on the previous date of hearing.

2. The case has been heard today through V.C. in the office of D.C. Ludhiana. Shri Rakesh Kumar Gupta, appellant attends the hearing through V.C. He states that he had visited the office of Municipal Council, Mullanpur Dakha, but he has neither been shown the relevant official records nor any information has been supplied to him. He further states that he is called to the office of PIO but not entertained, thereby resulting in his harassment.

3. Shri Abhay Joshi, Accountant/PIO, Municipal Council, Mullanpur Dakha comes present to attend the hearing through V.C. He states that for want of non-cooperation of the officials concerned of the Municipal Council, the information could not be compiled and supplied to the appellant.

4. The Bench observes that the RTI application is dated 04.02.2020 and First Appeal is dated 06.02.2020. Even after a lapse of nine months, no information has been provided to the appellant. The Bench further expresses its displeasure over the statement made by the APIO and observes that since the previous hearing dated 02.09.2020, two months have elapsed but there has been no progress in the case. The Bench further observes that PIO is adopting casual approach towards the directions of the Bench which is viewed adversely.



-2-

AC No.661/2020

5. The PIO O/o Executive Officer, Municipal Council, Mullanpur Dakha, District Ludhiana is now issued show cause notice to explain as to why action should not be taken against him and also as to why penalty should not be imposed in the instant case for non-supply of information to the appellant and for not complying with the directions of Commission. He is also directed to file a written reply to the show cause notice as to why the appellant should not be compensated for the mental harassment suffered by him in getting the information.

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

7. The PIO is further directed to ensure that complete information is supplied to the appellant before the next hearing.

8. The PIO is again directed to file an affidavit, before the next hearing, as per the directions given by the Bench on the previous hearing. Original copy of the affidavit be sent to the appellant and photocopy of the same be sent to the Commission for record.

9. With the aforesaid directions, the matter is adjourned. **To come up for hearing on 18.01.2021 at 11.30 AM through V.C. in the office of D.C. Ludhiana.** Copies of the order be sent to the concerned parties.

**Chandigarh
04.11.2020**

**Sd/-
(Lt Gen Ajae Kumar Sharma(Retd))
State Information Commissioner, Punjab**

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Sh.Rakesh Kumar Gupta
Advocate,
8/237, Jagraon Road,
Mandi Maullanpur,
Distt.Ludhiana.

.....Appellant

Versus

Public Information Officer

O/o Executive Officer,
Municipal Council,
Mullanpur Dakha,
District Ludhiana.

First Appellate Authority

O/o Deputy Director,
Local Bodies, Ludhiana.

....Respondents

AC No.763 of 2020

Present: (i) **Shri Rakesh Kumar Gupta, appellant**
(ii) **Shri Abhay Joshi, Accountant, Municipal Council,
Mullanpur Dakha, District Ludhiana /APIO.**

ORDER

Heard through Video Conferencing

1. This order may be read with reference to the order dated 02.09.2020 passed by this Bench on the previous date of hearing.

2. The case has been heard today through V.C. in the office of D.C. Ludhiana. Shri Rakesh Kumar Gupta, appellant attends the hearing through V.C. He states that he had visited the office of Municipal Council, Mullanpur Dakha, but he has neither been shown the relevant official records nor any information has been supplied to him. He further states that he is called to the office of PIO but not entertained, thereby resulting in his harassment.

3. Shri Abhay Joshi, Accountant/PIO, Municipal Council, Mullanpur Dakha comes present to attend the hearing through V.C. He states that for want of non-cooperation of the officials concerned of the Municipal Council, the information could not be compiled and supplied to the appellant.

4. The Bench observes that the RTI application is dated 11.02.2020 and First Appeal is dated 13.02.2020. Even after a lapse of nine months, no information has been provided to the appellant. The Bench further expresses its displeasure over the statement made by the APIO and observes that since the previous hearing dated 02.09.2020, two months have elapsed but there has been no progress in the case. The Bench further observes that PIO is adopting casual approach towards the directions of the Bench which is viewed adversely.

5. The PIO O/o Executive Officer, Municipal Council, Mullanpur Dakha, District Ludhiana is now issued show cause notice to explain as to why action should not be taken against him and also as to why penalty should not be imposed in the instant case for non-supply of information to the appellant and for not complying with the directions of Commission. He is also directed to file a written reply to the show cause notice as to why the appellant should not be compensated for the mental harassment suffered by him in getting the information.

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

7. The PIO is further directed to ensure that complete information is supplied to the appellant before the next hearing.

8. The PIO is again directed to file an affidavit, before the next hearing, as per the directions given by the Bench on the previous hearing. Original copy of the affidavit be sent to the appellant and photocopy of the same be sent to the Commission for record.

9. With the aforesaid directions, the matter is adjourned. **To come up for hearing on 18.01.2021 at 11.30 AM through V.C. in the office of D.C. Ludhiana.** Copies of the order be sent to the concerned parties.

**Chandigarh
04.11.2020**

**Sd/-
(Lt Gen Ajae Kumar Sharma(Retd))
State Information Commissioner, Punjab**

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Sh.Rakesh Kumar Gupta
Advocate,
8/237, Jagraon Road,
Mandi Maullanpur,
Distt.Ludhiana.

.....Appellant

Versus

Public Information Officer

O/o Executive Officer,
Municipal Council,
Mullanpur Dakha,
District Ludhiana.

First Appellate Authority

O/o Deputy Director,
Local Bodies, Ludhiana.

....Respondents

AC No.764 of 2020

Present:

- (i) **Shri Rakesh Kumar Gupta, appellant**
- (ii) **Shri Abhay Joshi, Accountant, Municipal Council,
Mullanpur Dakha, District Ludhiana /APIO.**

ORDER

Heard through Video Conferencing

1. This order may be read with reference to the order dated 02.09.2020 passed by this Bench on the previous date of hearing.
2. The case has been heard today through V.C. in the office of D.C. Ludhiana. Shri Rakesh Kumar Gupta, appellant attends the hearing through V.C. He states that he had visited the office of Municipal Council, Mullanpur Dakha, but he has neither been shown the relevant official records nor any information has been supplied to him. He further states that he is called to the office of PIO but not entertained, thereby resulting in his harassment.
3. Shri Abhay Joshi, Accountant/PIO, Municipal Council, Mullanpur Dakha comes present to attend the hearing through V.C. He states that for want of non-cooperation of the officials concerned of the Municipal Council, the information could not be compiled and supplied to the appellant.
4. The Bench observes that the RTI application is dated 09.02.2020 and First Appeal is dated 14.02.2020. Even after a lapse of nine months, no information has been provided to the appellant. The Bench further expresses its displeasure over the statement made by the APIO and observes that since the previous hearing dated 02.09.2020, two months have elapsed but there has been no progress in the case. The Bench further observes that PIO is adopting casual approach towards the directions of the Bench which is viewed adversely.



-2-

AC No.764/2020

5. The PIO O/o Executive Officer, Municipal Council, Mullanpur Dakha, District Ludhiana is now issued show cause notice to explain as to why action should not be taken against him and also as to why penalty should not be imposed in the instant case for non-supply of information to the appellant and for not complying with the directions of Commission. He is also directed to file a written reply to the show cause notice as to why the appellant should not be compensated for the mental harassment suffered by him in getting the information.

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

7. The PIO is further directed to ensure that complete information is supplied to the appellant before the next hearing.

8. The PIO is again directed to file an affidavit, before the next hearing, as per the directions given by the Bench on the previous hearing. Original copy of the affidavit be sent to the appellant and photocopy of the same be sent to the Commission for record.

9. With the aforesaid directions, the matter is adjourned. **To come up for hearing on 18.01.2021 at 11.30 AM through V.C. in the office of D.C. Ludhiana.** Copies of the order be sent to the concerned parties.

**Chandigarh
04.11.2020**

**Sd/-
(Lt Gen Ajae Kumar Sharma(Retd))
State Information Commissioner, Punjab**

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Sh.Rakesh Kumar Gupta
Advocate,
8/237, Jagraon Road,
Mandi Maullanpur,
Distt.Ludhiana.

.....Appellant

Versus

Public Information Officer

O/o Executive Officer,
Municipal Council,
Mullanpur Dakha,
District Ludhiana.

First Appellate Authority

O/o Deputy Director,
Local Bodies, Ludhiana.

....Respondents

AC No.765 of 2020

Present: (i) **Shri Rakesh Kumar Gupta, appellant**
(ii) **Shri Abhay Joshi, Accountant, Municipal Council,
Mullanpur Dakha, District Ludhiana /APIO.**

ORDER

Heard through Video Conferencing

1. This order may be read with reference to the order dated 02.09.2020 passed by this Bench on the previous date of hearing.

2. The case has been heard today through V.C. in the office of D.C. Ludhiana. Shri Rakesh Kumar Gupta, appellant attends the hearing through V.C. He states that he had visited the office of Municipal Council, Mullanpur Dakha, but he has neither been shown the relevant official records nor any information has been supplied to him. He further states that he is called to the office of PIO but not entertained, thereby resulting in his harassment.

3. Shri Abhay Joshi, Accountant/PIO, Municipal Council, Mullanpur Dakha comes present to attend the hearing through V.C. He states that for want of non-cooperation of the officials concerned of the Municipal Council, the information could not be compiled and supplied to the appellant.

4. The Bench observes that the RTI application is dated 10.02.2020 and First Appeal is dated 13.02.2020. Even after a lapse of nine months, no information has been provided to the appellant. The Bench further expresses its displeasure over the statement made by the APIO and observes that since the previous hearing dated 02.09.2020, two months have elapsed but there has been no progress in the case. The Bench further observes that PIO is adopting casual approach towards the directions of the Bench which is viewed adversely.



-2-

AC No.765/2020

5. The PIO O/o Executive Officer, Municipal Council, Mullanpur Dakha, District Ludhiana is now issued show cause notice to explain as to why action should not be taken against him and also as to why penalty should not be imposed in the instant case for non-supply of information to the appellant and for not complying with the directions of Commission. He is also directed to file a written reply to the show cause notice as to why the appellant should not be compensated for the mental harassment suffered by him in getting the information.

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

7. The PIO is further directed to ensure that complete information is supplied to the appellant before the next hearing.

8. The PIO is again directed to file an affidavit, before the next hearing, as per the directions given by the Bench on the previous hearing. Original copy of the affidavit be sent to the appellant and photocopy of the same be sent to the Commission for record.

9. With the aforesaid directions, the matter is adjourned. **To come up for hearing on 18.01.2021 at 11.30 AM through V.C. in the office of D.C. Ludhiana.** Copies of the order be sent to the concerned parties.

**Chandigarh
04.11.2020**

**Sd/-
(Lt Gen Ajae Kumar Sharma(Retd))
State Information Commissioner, Punjab**

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Sh.Rakesh Kumar Gupta
Advocate,
8/237, Jagraon Road,
Mandi Maullanpur,
Distt.Ludhiana.

.....Appellant

Versus

Public Information Officer

O/o Executive Officer,
Municipal Council, Jagraon,
District Ludhiana.

First Appellate Authority

O/o Deputy Director,
Local Bodies, Ludhiana.

....Respondents

AC No.969 of 2020

Present: (i) **Shri Rakesh Kumar Gupta, appellant**
(ii) **None on behalf of the PIO.**

ORDER

Heard through Video Conferencing

1. This order may be read with reference to the order dated 02.09.2020 passed by this Bench on the previous date of hearing.
2. The case has been heard today through V.C. in the office of D.C. Ludhiana. Shri Rakesh Kumar Gupta, appellant attends the hearing through V.C.
3. Neither the PIO has come present to attend the hearing nor has deputed any of his representatives to attend the hearing through V.C. However, an e.mail has been received from the PIO stating that the appellant was called for inspection on 29.10.2020 and was apprised that the information has been sent to him by post. It has further been stated therein that the appellant was asked to confirm the receipt of information sent by post.
4. The appellant states that he visited the office of PIO for inspection of official records on 29.10.2020. With regard to the clarification to be given to the Municipal Council, as per their e.mail, the appellant states that he had checked from his records and found that he was supplied information in connection with Appeal Case No.3452 of 2020 which was disposed of by the Bench of Ld. State Information Commissioner, Shri Sanjeev Garg on 05.10.2020 and no information related to AC No.969/2020 has been received by him.



5. The Bench observes that the directions of the Commission given on the previous date of hearing have not been complied with as the PIO was directed to supply the information to the appellant and also file an affidavit. The Bench also observes that the PIO was issued show cause notice on the previous hearing to which no reply has been filed by him. This indifferent and lackadaisical attitude of the PIO towards the directions of the Commission is viewed adversely. In addition, PIO/his representative have failed to attend today's hearing.

6. The facts of the case prove beyond any doubt that the PIO/Respondent does not deserve any leniency. Hence, in exercise of the powers conferred by Section 20(1) of the RTI Act, a penalty to the tune of Rs.5,000/- (Rupees Five Thousand only) is imposed upon PIO, O/o Executive Officer, Municipal Council, Jagraon, District Ludhiana, to be deducted from his salary, which is to be deposited in the State Treasury under the relevant head. The Drawing & Disbursing Officer concerned is directed to deduct the amount of penalty of Rs.5,000/- from the salary of the PIO and deposit the same in State Treasury in the following Head of Account and to report its compliance to the Commission before the next hearing:-

- 0070-Other Administrative Services – 60-Other Services-

-0800-Other Receipts- 86-Fee under the RTI Act, 2005.

7. The PIO is also directed to supply complete information to the appellant before the next date of hearing as also to come in person to attend the hearing through V.C. on the next date of hearing. He is also directed to file reply to the show cause notice as to file an affidavit, as per directions given on the previous hearing dated 02.09.2020.

8. With the aforesaid directions, the matter is adjourned. **To come up for hearing on 18.01.2021 at 11.30 AM through V.C. in the office of D.C. Ludhiana.** Copies of the order be sent to the concerned parties.

**Chandigarh
04.11.2020**

Copy to (By Regd.Post)

Public Information Officer
O/o Executive Officer,
Municipal Council, Jagraon,
District Ludhiana.

**Sd/-
(Lt Gen Ajae Kumar Sharma(Retd))
State Information Commissioner, Punjab**

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Sh.Rakesh Kumar Gupta
Advocate,
8/237, Jagraon Road,
Mandi Maullanpur,
Distt.Ludhiana.

.....Appellant

Versus

Public Information Officer

O/o Executive Officer,
Municipal Council, Jagraon,
District Ludhiana.

First Appellate Authority

O/o Deputy Director,
Local Bodies, Ludhiana.

....Respondents

AC No.970 of 2020

Present: (i) **Shri Rakesh Kumar Gupta, appellant**
(ii) **None on behalf of the PIO.**

ORDER

Heard through Video Conferencing

1. This order may be read with reference to the order dated 02.09.2020 passed by this Bench on the previous date of hearing.
2. The case has been heard today through V.C. in the office of D.C. Ludhiana. Shri Rakesh Kumar Gupta, appellant attends the hearing through V.C.
3. Neither the PIO has come present to attend the hearing nor has deputed any of his representatives to attend the hearing through V.C. However, an e.mail has been received from the PIO stating that the appellant was called for inspection on 29.10.2020 and was apprised that the information has been sent to him by post. It has further been stated therein that the appellant was asked to confirm the receipt of information sent by post.
4. The appellant states that he visited the office of PIO for inspection of official records on 29.10.2020. With regard to the clarification to be given to the Municipal Council, as per their e.mail, the appellant states that he had checked from his records and found that he was supplied information in connection with Appeal Case No.3452 of 2020 which was disposed of by the Bench of Ld. State Information Commissioner, Shri Sanjeev Garg on 05.10.2020 and no information related to AC No.970/2020 has been received by him.



-2-

AC No.970/2020

5. The Bench observes that the directions of the Commission given on the previous date of hearing have not been complied with as the PIO was directed to supply the information to the appellant and also file an affidavit. The Bench also observes that the PIO was issued show cause notice on the previous hearing to which no reply has been filed by him. This indifferent and lackadaisical attitude of the PIO towards the directions of the Commission is viewed adversely. In addition, PIO/his representative have failed to attend today's hearing.

6. The facts of the case prove beyond any doubt that the PIO/Respondent does not deserve any leniency. Hence, in exercise of the powers conferred by Section 20(1) of the RTI Act, a penalty to the tune of Rs.5,000/- (Rupees Five Thousand only) is imposed upon PIO, O/o Executive Officer, Municipal Council, Jagraon, District Ludhiana, to be deducted from his salary, which is to be deposited in the State Treasury under the relevant head. The Drawing & Disbursing Officer concerned is directed to deduct the amount of penalty of Rs.5,000/- from the salary of the PIO and deposit the same in State Treasury in the following Head of Account and to report its compliance to the Commission before the next hearing:-

- 0070-Other Administrative Services – 60-Other Services-

-0800-Other Receipts- 86-Fee under the RTI Act, 2005.

7. The PIO is also directed to supply complete information to the appellant before the next date of hearing as also to come in person to attend the hearing through V.C. on the next date of hearing. He is also directed to file reply to the show cause notice as to file an affidavit, as per directions given on the previous hearing dated 02.09.2020.

8. With the aforesaid directions, the matter is adjourned. **To come up for hearing on 18.01.2021 at 11.30 AM through V.C. in the office of D.C. Ludhiana.** Copies of the order be sent to the concerned parties.

**Chandigarh
04.11.2020**

Public Information Officer
O/o Executive Officer,
Municipal Council, Jagraon,
District Ludhiana.

**Sd/-
(Lt Gen Ajae Kumar Sharma(Retd))
State Information Commissioner, Punjab**

**PUNJAB STATE INFORMATION COMMISSION
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Sh.Rakesh Kumar Gupta
Advocate,
8/237, Jagraon Road,
Mandi Maullanpur,
Distt.Ludhiana.

.....Appellant

Versus

Public Information Officer

O/o Executive Officer,
Municipal Council,Jagraon,
District Ludhiana.

First Appellate Authority

O/o Deputy Director,
Local Bodies, Ludhiana.

....Respondents

AC No.972 of 2020

Present: (i) **Shri Rakesh Kumar Gupta, appellant**
(ii) **None on behalf of the PIO.**

ORDER

Heard through Video Conferencing

1. This order may be read with reference to the order dated 02.09.2020 passed by this Bench on the previous date of hearing.
2. The case has been heard today through V.C. in the office of D.C. Ludhiana. Shri Rakesh Kumar Gupta, appellant attends the hearing through V.C.
3. Neither the PIO has come present to attend the hearing nor has deputed any of his representatives to attend the hearing through V.C. However, an e.mail has been received from the PIO stating that the appellant was called for inspection on 29.10.2020 and was apprised that the information has been sent to him by post. It has further been stated therein that the appellant was asked to confirm the receipt of information sent by post.
4. The appellant states that he visited the office of PIO for inspection of official records on 29.10.2020. With regard to the clarification to be given to the Municipal Council, as per their e.mail, the appellant states that he had checked from his records and found that he was supplied information in connection with Appeal Case No.3452 of 2020 which was disposed of by the Bench of Ld. State Information Commissioner, Shri Sanjeev Garg on 05.10.2020 and no information related to AC No.972/2020 has been received by him.



-2-

AC No.972/2020

5. The Bench observes that the directions of the Commission given on the previous date of hearing have not been complied with as the PIO was directed to supply the information to the appellant and also file an affidavit. The Bench also observes that the PIO was issued show cause notice on the previous hearing to which no reply has been filed by him. This indifferent and lackadaisical attitude of the PIO towards the directions of the Commission is viewed adversely. In addition, PIO/his representative have failed to attend today's hearing.

6. The facts of the case prove beyond any doubt that the PIO/Respondent does not deserve any leniency. Hence, in exercise of the powers conferred by Section 20(1) of the RTI Act, a penalty to the tune of Rs.5,000/- (Rupees Five Thousand only) is imposed upon PIO, O/o Executive Officer, Municipal Council, Jagraon, District Ludhiana, to be deducted from his salary, which is to be deposited in the State Treasury under the relevant head. The Drawing & Disbursing Officer concerned is directed to deduct the amount of penalty of Rs.5,000/- from the salary of the PIO and deposit the same in State Treasury in the following Head of Account and to report its compliance to the Commission before the next hearing:-

- 0070-Other Administrative Services – 60-Other Services-

-0800-Other Receipts- 86-Fee under the RTI Act, 2005.

7. The PIO is also directed to supply complete information to the appellant before the next date of hearing as also to come in person to attend the hearing through V.C. on the next date of hearing. He is also directed to file reply to the show cause notice as to file an affidavit, as per directions given on the previous hearing dated 02.09.2020.

8. With the aforesaid directions, the matter is adjourned. **To come up for hearing on 18.01.2021 at 11.30 AM through V.C. in the office of D.C. Ludhiana.** Copies of the order be sent to the concerned parties.

**Chandigarh
04.11.2020**

Public Information Officer
O/o Executive Officer,
Municipal Council, Jagraon,
District Ludhiana.

**Sd/-
(Lt Gen Ajae Kumar Sharma(Retd))
State Information Commissioner, Punjab**

**PUNJAB STATE INFORMATION COMMISSION
RED CROSS BUILDING, NEAR ROSE GARDEN,
SECTOR 16, CHANDIGARH.**

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Sh.Rakesh Kumar Gupta
Advocate,
8/237, Jagraon Road,
Mandi Maullanpur,
Distt.Ludhiana.

.....Appellant

Versus

Public Information Officer

O/o Executive Officer,
Municipal Council, Jagraon
District Ludhiana.

First Appellate Authority

O/o Deputy Director,
Local Bodies, Ludhiana.

....Respondents

AC No.973 of 2020

Present: (i) **Shri Rakesh Kumar Gupta, appellant**
(ii) **None on behalf of the PIO.**

ORDER

Heard through Video Conferencing

1. This order may be read with reference to the order dated 02.09.2020 passed by this Bench on the previous date of hearing.
2. The case has been heard today through V.C. in the office of D.C. Ludhiana. Shri Rakesh Kumar Gupta, appellant attends the hearing through V.C.
3. Neither the PIO has come present to attend the hearing nor has deputed any of his representatives to attend the hearing through V.C. However, an e.mail has been received from the PIO stating that the appellant was called for inspection on 29.10.2020 and was apprised that the information has been sent to him by post. It has further been stated therein that the appellant was asked to confirm the receipt of information sent by post. An e.mail has also been received stating that due to some other engagements with regard to celebration of State level function on Jayanti of Bhagwan Balmiki Ji, PIO is unable to attend the hearing and has requested for another date.
4. The appellant states that he visited the office of PIO for inspection of official records on 29.10.2020. With regard to the clarification to be given to the Municipal Council, as per their e.mail, the appellant states that he had checked from his records and found that he was supplied information in connection with Appeal Case No.3452 of 2020 which was disposed of by the Bench of Ld. State Information Commissioner, Shri Sanjeev Garg on 05.10.2020 and no information related to AC No.973/2020 has been received by him.



-2-

AC No.973/2020

5. The Bench observes that the directions of the Commission given on the previous date of hearing have not been complied with as the PIO was directed to supply the information to the appellant and also file an affidavit. The Bench also observes that the PIO was issued show cause notice on the previous hearing to which no reply has been filed by him. This indifferent and lackadaisical attitude of the PIO towards the directions of the Commission is viewed adversely. In addition, PIO/his representative have failed to attend today's hearing.

6. The facts of the case prove beyond any doubt that the PIO/Respondent does not deserve any leniency. Hence, in exercise of the powers conferred by Section 20(1) of the RTI Act, a penalty to the tune of Rs.5,000/- (Rupees Five Thousand only) is imposed upon PIO, O/o Executive Officer, Municipal Council, Jagraon, District Ludhiana, to be deducted from his salary, which is to be deposited in the State Treasury under the relevant head. The Drawing & Disbursing Officer concerned is directed to deduct the amount of penalty of Rs.5,000/- from the salary of the PIO and deposit the same in State Treasury in the following Head of Account and to report its compliance to the Commission before the next hearing:-

- 0070-Other Administrative Services – 60-Other Services-

-0800-Other Receipts- 86-Fee under the RTI Act, 2005.

7. The PIO is also directed to supply complete information to the appellant before the next date of hearing as also to come in person to attend the hearing through V.C. on the next date of hearing. He is also directed to file reply to the show cause notice as to file an affidavit, as per directions given on the previous hearing dated 02.09.2020.

8. With the aforesaid directions, the matter is adjourned. **To come up for hearing on 18.01.2021 at 11.30 AM through V.C. in the office of D.C. Ludhiana.** Copies of the order be sent to the concerned parties.

**Chandigarh
04.11.2020**

Public Information Officer
O/o Executive Officer,
Municipal Council, Jagraon,
District Ludhiana.

**Sd/-
(Lt Gen Ajae Kumar Sharma(Retd))
State Information Commissioner, Punjab**

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Sh.Rakesh Kumar Gupta
Advocate,
8/237, Jagraon Road,
Mandi Maullanpur,
Distt.Ludhiana.

.....Appellant

Versus

Public Information Officer

O/o Executive Officer,
Municipal Council,Jagraon,
District Ludhiana.

First Appellate Authority

O/o Deputy Director,
Local Bodies, Ludhiana.

....Respondents

AC No.974 of 2020

Present: (i) **Shri Rakesh Kumar Gupta, appellant**
(ii) **None on behalf of the PIO.**

ORDER

Heard through Video Conferencing

1. This order may be read with reference to the order dated 02.09.2020 passed by this Bench on the previous date of hearing.
2. The case has been heard today through V.C. in the office of D.C. Ludhiana. Shri Rakesh Kumar Gupta, appellant attends the hearing through V.C.
3. Neither the PIO has come present to attend the hearing nor has deputed any of his representatives to attend the hearing through V.C. However, an e.mail has been received from the PIO stating that the appellant was called for inspection on 29.10.2020 and was apprised that the information has been sent to him by post. It has further been stated therein that the appellant was asked to confirm the receipt of information sent by post.
4. The appellant states that he visited the office of PIO for inspection of official records on 29.10.2020. With regard to the clarification to be given to the Municipal Council, as per their e.mail, the appellant states that he had checked from his records and found that he was supplied information in connection with Appeal Case No.3452 of 2020 which was disposed of by the Bench of Ld. State Information Commissioner, Shri Sanjeev Garg on 05.10.2020 and no information related to AC No.974/2020 has been received by him.



-2-

AC No.974/2020

5. The Bench observes that the directions of the Commission given on the previous date of hearing have not been complied with as the PIO was directed to supply the information to the appellant and also file an affidavit. The Bench also observes that the PIO was issued show cause notice on the previous hearing to which no reply has been filed by him. This indifferent and lackadaisical attitude of the PIO towards the directions of the Commission is viewed adversely. In addition, PIO/his representative have failed to attend today's hearing.

6. The facts of the case prove beyond any doubt that the PIO/Respondent does not deserve any leniency. Hence, in exercise of the powers conferred by Section 20(1) of the RTI Act, a penalty to the tune of Rs.5,000/- (Rupees Five Thousand only) is imposed upon PIO, O/o Executive Officer, Municipal Council, Jagraon, District Ludhiana, to be deducted from his salary, which is to be deposited in the State Treasury under the relevant head. The Drawing & Disbursing Officer concerned is directed to deduct the amount of penalty of Rs.5,000/- from the salary of the PIO and deposit the same in State Treasury in the following Head of Account and to report its compliance to the Commission before the next hearing:-

- 0070-Other Administrative Services – 60-Other Services-

-0800-Other Receipts- 86-Fee under the RTI Act, 2005.

7. The PIO is also directed to supply complete information to the appellant before the next date of hearing as also to come in person to attend the hearing through V.C. on the next date of hearing. He is also directed to file reply to the show cause notice as to file an affidavit, as per directions given on the previous hearing dated 02.09.2020.

8. With the aforesaid directions, the matter is adjourned. **To come up for hearing on 18.01.2021 at 11.30 AM through V.C. in the office of D.C. Ludhiana.** Copies of the order be sent to the concerned parties.

**Chandigarh
04.11.2020**

Public Information Officer
O/o Executive Officer,
Municipal Council, Jagraon,
District Ludhiana.

**Sd/-
(Lt Gen Ajae Kumar Sharma(Retd))
State Information Commissioner, Punjab**

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Sh.Rakesh Kumar Gupta
Advocate,
8/237, Jagraon Road,
Mandi Maullanpur,
Distt.Ludhiana.

.....Appellant

Versus

Public Information Officer

O/o Executive Officer,
Municipal Council,Jagraon,
District Ludhiana.

First Appellate Authority

O/o Deputy Director,
Local Bodies, Ludhiana.

....Respondents

AC No.977 of 2020

Present: (i) **Shri Rakesh Kumar Gupta, appellant**
(ii) **None on behalf of the PIO.**

ORDER

Heard through Video Conferencing

1. This order may be read with reference to the order dated 02.09.2020 passed by this Bench on the previous date of hearing.
2. The case has been heard today through V.C. in the office of D.C. Ludhiana. Shri Rakesh Kumar Gupta, appellant attends the hearing through V.C.
3. Neither the PIO has come present to attend the hearing nor has deputed any of his representatives to attend the hearing through V.C. However, an e.mail has been received from the PIO stating that the appellant was called for inspection on 29.10.2020 and was apprised that the information has been sent to him by post. It has further been stated therein that the appellant was asked to confirm the receipt of information sent by post.
4. The appellant states that he visited the office of PIO for inspection of official records on 29.10.2020. With regard to the clarification to be given to the Municipal Council, the appellant states that he had checked from his records and found that he was supplied information in connection with Appeal Case No.3452 of 2020 which was disposed of by the Bench of Ld. State Information Commissioner, Shri Sanjeev Garg on 05.10.2020 and no information related to AC No.977/2020 has been received by him.

Cont..P-2



-2-

AC No.977/2020

5. The Bench observes that the directions of the Commission given on the previous date of hearing have not been complied with as the PIO was directed to supply the information to the appellant and also file an affidavit. The Bench also observes that the PIO was issued show cause notice on the previous hearing to which no reply has been filed by him. This indifferent and lackadaisical attitude of the PIO towards the directions of the Commission is viewed adversely. In addition, PIO/his representative have failed to attend today's hearing.

6. The facts of the case prove beyond any doubt that the PIO/Respondent does not deserve any leniency. Hence, in exercise of the powers conferred by Section 20(1) of the RTI Act, a penalty to the tune of Rs.5,000/- (Rupees Five Thousand only) is imposed upon PIO, O/o Executive Officer, Municipal Council, Jagraon, District Ludhiana, to be deducted from his salary, which is to be deposited in the State Treasury under the relevant head. The Drawing & Disbursing Officer concerned is directed to deduct the amount of penalty of Rs.5,000/- from the salary of the PIO and deposit the same in State Treasury in the following Head of Account and to report its compliance to the Commission before the next hearing:-

- 0070-Other Administrative Services – 60-Other Services-

-0800-Other Receipts- 86-Fee under the RTI Act, 2005.

7. The PIO is also directed to supply complete information to the appellant before the next date of hearing as also to come in person to attend the hearing through V.C. on the next date of hearing. He is also directed to file reply to the show cause notice as to file an affidavit, as per directions given on the previous hearing dated 02.09.2020.

8. With the aforesaid directions, the matter is adjourned. **To come up for hearing on 18.01.2021 at 11.30 AM through V.C. in the office of D.C. Ludhiana.** Copies of the order be sent to the concerned parties.

**Chandigarh
04.11.2020**

Public Information Officer
O/o Executive Officer,
Municipal Council, Jagraon,
District Ludhiana.

**Sd/-
(Lt Gen Ajae Kumar Sharma(Retd))
State Information Commissioner, Punjab**

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Sh. Manpreet Singh Aulakh
S/o Shri Dvinder Singh,
Village Kailpur, Ludhiana
Distt.Ludhiana.

.....Appellant

Versus

Public Information Officer

O/o Executive Officer,
Municipal Council,
Mullanpur Dakha,
District Ludhiana.

First Appellate Authority

O/o Deputy Director,
Local Bodies, Ludhiana.

....Respondents

AC No.782 of 2020

PRESENT: (i) **Shri Manpreet Singh Aulakh, appellant.**
(ii) **Shri Abhay Joshi, Accountant/APIO, Municipal Council, Mullanpur Dakha District Ludhiana.**

ORDER;

Heard through Video Conferencing

1. This order may be read with reference to the order dated 02.09.2020 passed by this Bench on the previous date of hearing.
2. The case has been heard today through V.C. in the office of D.C. Ludhiana. Shri Manpreet Singh Aulakh, appellant attends the hearing through V.C. He states that no information has been supplied by the PIO.
3. Shri Abhay Joshi, Accountant/APIO, Municipal Council, Mullanpur Dakha, District Ludhiana comes present to attend the hearing. He states that the appellant has already been informed vide letter dated 12.06.2020 that the shop-keepers had been issued notices in February, 2018 and at present, the matter is sub-judice and is pending before the Hon'ble Punjab and Haryana High Court in CWP No.29756 of 2018, due to which no action has been taken on his RTI application.
4. Post deliberations with the appellant and the APIO, the Bench directs the PIO to file an affidavit before the next hearing, duly signed by the PIO and attested by the Notary Public to the effect that matter taken up by the appellant in his RTI application is pending in CWP No.29756 of 2018 filed in the



-2-

AC No.782/2020

Hon'ble Punjab and Haryana High Court pursuant to the notices issued to the shopkeepers concerned in this regard by the Municipal Council, Mullanpur Dakha and the matter being sub-judice, the information cannot be supplied. It be further stated that the statement made is correct and authentic.

5. On the asking of the Bench as to the date on which the appellant may visit for inspection of the records to satisfy himself that the matter is sub-judice, the APIO assures to intimate the same after mutually deciding the date with the appellant. The representative of the appellant also agrees to it.

6. With the aforesaid directions, the matter is adjourned. **To come up for hearing on 18.01.2021 at 11.30 AM through V.C. in the office of D.C. Ludhiana.** Copies of the order be sent to the concerned parties.

**Chandigarh
04.11.2020**

**Sd/-
(Lt Gen Ajae Kumar Sharma (Retd))
State Information Commissioner, Punjab**

