

PUNJAB STATE INFORMATION COMMISSION

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

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Sh. K.N.S. Sodhi,
H.no. 1634, Sector 70,
SAS Nagar, Mohali.

....Appellant

Vs

Public Information Officer
o/o Executive Officer,
Municipal Corporation,
Mohali.

First Appellate Authority
o/o Executive Officer,
Municipal Corporation,
Mohali.

....Respondents

Complaint Case No. 726 of 2020 & Appeal Case No. 2330 of 2020

ORDER

This order may be read with reference to the previous order dated 8.2.2022 vide which the order in this case was 'RESERVED' to be pronounced.

2. The brief of the titled cases are that the appellant filed two separate RTI applications to the respondent-Public Information Officer o/o the Municipal Corporation on 11.3.2020 and on 30.9.2020. The titled cases are primarily related with the slippage of ranking of Swatch Safai Abhiyan etc. & regarding the petition filed under Section 14, Section 15 read with Section 18 of the National Green Tribunal against the pollution and environmental degradation caused by the illegal dumping of industrial and Municipal Solid Waste by the Municipal Corporation, Mohali. Feeling aggrieved the appellant filed the cases in the Commission and notice of hearing was issued to the parties and the said cases were allocated to Sh. Hem Inder Singh, State Information Commissioner, Punjab. But on the request of the appellant, the case has been allocated to the double bench. Accordingly, the notice of hearing was issued to the parties for 16.11.2021.

3. Since, the matter of the sought information, appellant and the respondent public authority remained the same, therefore, the titled cases have been clubbed.

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4. The appellant has sought the following information as per his RTI application:-

Appeal Case No. 2330 of 2020

- 1) Kindly provide status report submitted by Sanitation Department as instructed by Mayor on 08.03.2019.
 - a) Date of submission of Report.
 - b) Name of Officer who was deputed to submit Report.
 - c) Name of Nodal Officer/Officers responsible for implementation of Swachh Safai Abhiyan.
 - d) Report of Action Plan adopted for improvement of Ranking of Mission.
- 2) Kindly provide copy of Ranking Certificate recommended by Municipal Corporation, Mohali to Govt. of India for ranking for the year 2018-19, Year 2019-20, for Swachh Bharat Abhiyan.
- 3) Kindly provide ranking marking given by Central Govt. Kindly provide Ranking List on the basis of which ranking was slipped.
- 4) Kindly provide consolidated statement of copies of Star Rating given by Councilors about Star Rating of Sanitation Condition of Mohali for the year 2017-18, 2018-19 and 2019-20.
- 5) Statement of ODF Free Certificates given by Councilors for year 2017-18, 2018-19, 2019-20.
- 6) For supply of dustbins. Detail of Tender inserted for purchase of dustbins in the year 2017, 2018, 2019 and 2020.
- 7) Detail of work order submitted for purchase of dustbins in the year 2017, 2018, 2019 and 2020.
- 8) Copy of Inventory Register about installation of dustbins indicating place where dustbins installed in market, parks, locality, indicating Sr. No., Date of Installation for the year 2017, 2018, 2019 and 2020.
- 9) Detail of dustbins installed in Ward No. 22, Sector 70.
- 10) No. of dustbins installed in Special Park, Sector 70. No. of dustbins already installed in Ward No. 22 and in parks.
- 11) No. of dustbins installed in Special Park, Sector 70 from 2017 to 2020.
- 12) Detail of Inventory if dustbins installed prior to 2017.
- 13) No. of dustbins installed in neighborhood parks. Park No. 5 to 17, Belt 1 = 238, Sector 70.
- 14) No. of dustbins installed in HIG Belt Park, Sector 70, Park No. 18 to 23.
- 15) No. of dustbins installed in Booth Market, Sector 70 and Show Room Market, Sector 70.
- 16) Kindly submit report of Nodal Officers i.e. Sanitary Inspectors, Horticulture Department reason for not providing dustbins in Sector 70.

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Complaint Case No. 726 of 2020

1. Respondent filed their replies. Kindly supply copies of reply filed by respondents. Municipal Corporation, Mohali, Environmental Engineer of Punjab, Pollution Control Board. A senior officer of urban development ministry with National Green Tribunal.
2. Vide order dt. 07.08.2014, committee was constituted for visiting site and submitting report. Kindly submit copy of report submitted by committee in response to tribunal order dated 07.08.2014.
3. Detailed affidavit was filed on behalf of the corporation indicating the details of the project and the measures that the corporation proposes to take not only to dump the MSW but also other wastes in accordance with 4 the municipal solid waste (Management and Handling) Rules, 2000 (for short rules of 2000) and other cognate provisions. Kindly submit copies of affidavits submitted by municipal corporation Mohali.
4. It was declared by respondents that mohali shall form part of the model MSW management plan 2014 out of one cluster out of total eight clusters out for the entire state of Punjab. Kindly intimate details particulars of other remaining 7 clusters of Punjab.
5. It was assured MSW plants will be established within period of two and a half years to remove the grievances raised by the petition. It was declared in tribunal that land had been acquired for construction. As per proceeding, land was acquired at village samgauli. The dera bassi to be completed latest by January 2017. What is status plant.
6. Certain shortcomings were pointed out by committee appointed by the tribunal and other authorities concerned including the corporation, which was directed to comply with the observations of the committee. Kindly provide copies of specific shortcoming pointed by committee.
7. As per directions of tribunal, the present site in question would be treated as a temporary dumping site. Whether temporary site has been shifted, status of new site.
8. The authorities will ensure provision of a green belt/temporary boundary wall around the temporary site. Status of green belt/temporary boundary wall built, green belt, enacted at site in Sector 74. Status of dumping site in sector 70. Village matour and surrounding area.

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9. There are dumping grounds near booth market. Sector 70, opposite matour village wherein dungs of animals are stored. Belt 1-232, Sector 70 near Govt. school, sector 70 behind show room of Sector 70. There are functional fountains in mohali parks, special park in sector 70 park No. 17, unmaintained dry composite pits. Which emanate foul smell, water accumulates, these are not covered by soil, and there is no spray disinfectant at regular intervals. As per direction of tribunal, the corporation shall fix responsibilities on concerned officers of the area to ensure compliance of these directions. Kindly inform the name of chief sanitary inspector, sanitary inspector, supervising area of sector 70 for not maintaining dumping area of sector 70, provision of fixing accountability as per directions of the tribunal.
 10. Dumping ground, junk ground has been created in front of gate of C block adjoining 80 to 88 plot, phase VII I.A Mohali. This place has been enmarked as a green belt. Adjoining this place tube well has been installed. Kindly intimate the name of chief sanitary inspector, sanitary inspector of this area who has allowed to use this site as dumping ground, for waste. This place has become dumping ground for throwing industrial waste.
 11. Name of Nodal Officer, who has allowed this green belt as dumping ground, when this dumping ground is likely to be shifted.
 12. As per direction of tribunal green, blue dustbins are to be distributed in entire Mohali dist. Details of dustbins distribution, inventory of purchase from 2015 to 2020.
 - b) Copy of inventory maintained.
 13. As per proceed of F.C. meeting dated 08.03.2019, committee was formed to ascertain reason for slipping ranking. Kindly submit copy of report.
5. During the hearing on 16.11.2021 the order was passed and the relevant portion of the same is reproduced below:-

“2. The appellant states that he has received the information but there are ambiguities and deficiencies. However, the respondent-Public Information Officer states that the complete information as available on record has already been supplied to the appellant. She also states that the sought information relates to the different wings of the Municipal Corporation like Sanitation, Engineering etc.

3. After the perusal of the record, it has transpired that the Municipal Corporation has supplied most of the information. Therefore, the directions are issued to both the parties to have a meeting on 22.11.2021 at 12.00 noon in the office of Sh. Ranjeev, Secretary, Municipal Corporation (former Public Information

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Officer) comprising himself along with the appellant and the other PIOs/ concerned officers i.e. Sh. Harpreet Singh, Executive Engineer and Dr. Tamana, Medical Officer (Health). They are also directed to prepare and submit the point wise detail of information supplied to the appellant and remove the deficiencies pointed out by the appellant, if any, before the next date of hearing. “

And the case was adjourned for 26.11.2021.

6. During the hearing on 26.11.2021 the Committee submitted the point wise reply viz a viz sought information in compliance of the order dated 16.11.2021 and the same is reproduced below:-

Appeal Case No. 2330 of 2020

Information Sought	Information Supplied
1. Kindly provide status report submitted by Sanitation Department as instructed by Mayor on 08.03.2019.	Copy of proceeding of meeting dated 08.03.2019 of the finance and contract committee has been supplied. No record regarding status report available.
a) Date of submission of Report. b) Name of Officer who was deputed to submit Report. c) Name of Nodal Officer/Officers responsible for implementation of Swachh Safai Abhiyan. d) Report of Action Plan adopted for improvement of Ranking of Mission.	a) No record available. b) Information available in the copy of proceeding supplied under Serial No. 1. c) Sh. Sarabjeet Singh, CSI and Sh. Ravinder Kumar, SI. d) No record available.
2. Kindly provide copy of Ranking Certificate recommended by Municipal Corporation, Mohali to Govt. of India for ranking for the year 2018-19, Year 2019-20, for Swachh Bharat Abhiyan.	Report for the purpose of ranking is submitted online on portal of Govt. of India. Ranking status is available on the portal of Govt. of India.
3) Kindly provide ranking marking given by Central Govt. Kindly provide Ranking List on the basis of which ranking was slipped.	Details of ranking achieved in the year 2018-19 is Rank No. 153 and in the year 2019-2020 is Rank No.157. Ranking status is available on the portal of Govt. of India.

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4) Kindly provide consolidated statement of copies of Star Rating given by Councilors about Star Rating of Sanitation Condition of Mohali for the year 2017-18, 2018-19 and 2019-20.	Declaration submitted by the Municipal Councillors for the year 2018-19 and 2019-20 supplied.
5) Statement of ODF Free Certificates given by Councilors for year 2017-18, 2018-19, 2019-20.	As per available record, ODF Declaration Certificate given by Municipal Councillors for the year 2016-17, 2018-19 and 2019-20 supplied.
6) For supply of dustbins. Detail of Tender inserted for purchase of dustbins in the year 2017, 2018, 2019 and 2020.	Copies of dustbins purchase documents supplied.
7) Detail of work order submitted for purchase of dustbins in the year 2017, 2018, 2019 and 2020.	Copies of dustbins purchase documents supplied.
8) Copy of Inventory Register about installation of dustbins indicating place where dustbins installed in market, parks, locality, indicating Sr. No., Date of Installation for the year 2017, 2018, 2019 and 2020.	Copies of ward-wise inventory supplied.
9) Detail of dustbins installed in Ward No. 22, Sector 70.	Information already supplied. No. of dustbins = 8.
10) No. of dustbins installed in Special Park, Sector 70. No. of dustbins already installed in Ward No. 22 and in parks.	There are 4 dustbins installed in special park.
11) No. of dustbins installed in Special Park, Sector 70 from 2017 to 2020.	There are 4 dustbins installed in special park.
12) Detail of Inventory if dustbins installed prior to 2017.	No record is available.
13) No. of dustbins installed in neighborhood parks. Park No. 5 to 17, Belt 1 = 238, Sector 70.	NIL

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14) No. of dustbins installed in HIG Belt Park, Sector 70, Park No. 18 to 23.	There are 6 twin bins and 2 single bins in Park No. 18 to 23, Sector 70.
15) No. of dustbins installed in Booth Market, Sector 70 and Show Room Market, Sector 70.	Total 8 no. of dustbins installed in market No.22. Ward-wise inventory also supplied.
16) Kindly submit report of Nodal Officers i.e. Sanitary Inspectors, Horticulture Department reason for not providing dustbins in Sector 70.	Sh. Sarabjeet Singh, CSI and Sh. Ravinder Kumar, SI.

Complaint Case No. 726 of 2020

Information Sought	Information Supplied
1. Respondent filed their replies. Kindly supply copies of reply filed by respondents. Municipal Corporation, Mohali, Environmental Engineer of Punjab, Pollution Control Board. A senior officer of urban development ministry with National Green Tribunal.	Copy of reply supplied. Reply of environmental engineer not available in record.
2. Vide order dt. 07.08.2014, committee was constituted for visiting site and submitting report. Kindly submit copy of report submitted by committee in response to tribunal order dated 07.08.2014.	Committee report supplied.
3. Detailed affidavit was filed on behalf of the corporation indicating the details of the project and the measures that the corporation proposes to take not only to dump the MSW but also other wastes in accordance with 4 the municipal solid waste (Management and Handling) Rules, 2000 (for short rules of 2000) and other cognate provisions. Kindly submit copies of affidavits submitted by municipal corporation Mohali.	Copy of affidavit supplied.

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4. It was declared by respondents that mohali shall form part of the model MSW management plan 2014 out of one cluster out of total eight clusters out for the entire state of Punjab. Kindly intimate details particulars of other remaining 7 clusters of Punjab.	Names of 7 other clusters are Jalandhar, Ludhiana, Bathinda, Ferozpur, Patiala, Amritar and Pathankot.
5. It was assured MSW plants will be established within period of two and a half years to remove the grievances raised by the petition. It was declared in tribunal that land had been acquired for construction. As per proceeding, land was acquired at village samgauli. The dera bassi to be completed latest by January 2017. What is status plant.	As per reply dt. 07.12.2020, the applicant was informed that the matter regarding set-up of the plant has been taken up with NTPCL.
6. Certain shortcomings were pointed out by committee appointed by the tribunal and other authorities concerned including the corporation, which was directed to comply with the observations of the committee. Kindly provide copies of specific shortcoming pointed by committee.	Committee report has been supplied.
7. As per directions of tribunal, the present site in question would be treated as a temporary dumping site. Whether temporary site has been shifted, status of new site.	Site has not been shifted. Information has been supplied.
8. The authorities will ensure provision of a green belt/temporary boundary wall around the temporary site. Status of green belt/temporary boundary wall built, green belt, enacted at site in Sector 74. Status of dumping site in sector 70. Village matour and surrounding area.	Boundary wall has been constructed at the site in Sector 74, village matour and sector 77.

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<p>9. There are dumping grounds near booth market. Sector 70, opposite matour village wherein dungs of animals are stored. Belt 1-232, Sector 70 near Govt. school, sector 70 behind show room of Sector 70. There are functional fountains in mohali parks, special park in sector 70 park No. 17, unmaintained dry composite pits. Which emanate foul smell, water accumulates, these are not covered by soil, and there is no spray disinfectant at regular intervals. As per direction of tribunal, the corporation shall fix responsibilities on concerned officers of the area to ensure compliance of these directions. Kindly inform the name of chief sanitary inspector, sanitary inspector, supervising area of sector 70 for not maintaining dumping area of sector 70, provision of fixing accountability as per directions of the tribunal.</p>	<p>Details of sanitation staff of Sector 70 is as below:-</p> <ul style="list-style-type: none">a) Chief Sanitary Inspector – Sh. Sham Lal and Sh. Rajinderpal Singh.b) Sanitary Inspector – Sh. Ravinder Kumar.c) Sanitary supervisor – Sh. Ranjit Singh, Lavinder Kumar and Harminder Singh.
<p>10. Dumping ground, junk ground has been created in front of gate of C block adjoining 80 to 88 plot, phase VII I.A Mohali. This place has been enmarked as a green belt. Adjoining this place tube well has been installed. Kindly intimate the name of chief sanitary inspector, sanitary inspector of this area who has allowed to use this site as dumping ground, for waste. This place has become dumping ground for throwing industrial waste.</p>	<p>The point in front of Gate of C Block adjoining 80 to 88 plot, Phase VII Ind. Area Mohali is very old. So it is not possible to tell the name of Chief Sanitary Inspector or Sanitary Inspector during whose tenure this point came into existence.</p>
<p>11. Name of Nodal Officer, who has allowed this green belt as dumping ground, when this dumping ground is likely to be shifted.</p>	<p>As this point is very old, so it is not possible to tell the name of Nodal Officer during whose tenure this point came into existence.</p>

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12. As per direction of tribunal green, blue dustbins are to be distributed in entire Mohali dist. Details of dustbins distribution, inventory of purchase from 2015 to 2020. b) Copy of inventory maintained.	500 pairs of dustbins purchased and 93 sold up 30.11.2020.
13. As per proceed of F.C. meeting dated 08.03.2019, committee was formed to ascertain reason for slipping ranking. Kindly submit copy of report.	No report was submitted by the committee.

Accordingly after detailed deliberations with both the parties during the hearing, the order was passed and the relevant portion of the same is reproduced below:-

“2. After point wise detailed deliberations with both the parties regarding the sought information, the following directions are issued:-

(i) As per agenda item No. 36 of F & C Committee meeting dated 8.3.2019, there is a foot note in proceedings of meeting about slipping of ranking in Swatch Safai Abhiyan and the Municipal Commissioner was instructed by Mayor to conduct enquiry and submit report within seven days

Respondent-Public Information Officer is directed that in case any report was submitted by the then Municipal Commissioner then a copy of the same be supplied to the appellant as has been sought by him else file an undertaking in this regard.

(ii) The data/recommendation of Municipal Corporation sent to Govt of India for ranking of Municipal Corporation for the year 2018-2019 and year 2019-2020

Sh. Ranjeev Kumar, Secretary, Municipal Corporation, Mohali is directed to place on record the documentary evidence as per his submissions, that the concerned officer has not supplied the information and the same was not in his custody. The letters sent to the concerned SDO to supply the information in this regard, be placed on record.

Also, Dr. Tamana, Medical Officer (Health) –cum-present Public Information Officer is directed to file the submissions regarding availability of the data/submissions sent to the Government of India for ranking of the Municipal Corporations pertaining to 2018-19 and 2019-2020 as has been sought by the appellant in the public interest.

3. Also a copy of the point wise submissions made by the respondents is being sent to the appellant along with this order.”

And the case was adjourned for 14.12.2021.

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7. During the hearing on 14.12.2021, the case was heard and the relevant portion of the order is reproduced below:-

"2. The respondent-Public Information Officer – Dr. Tamanna, Medical Officer (Health) states that as per Agenda Item No. 36 of F&C Committee meeting dated 08.03.2019, there was a footnote in the proceedings of meeting about slipping of ranking in Swachh Safai Abhiyan vide which, the Commissioner, Municipal Corporation was instructed by the Mayor to conduct an inquiry and submit report within 7 days but no such report submitted by the Commissioner, Municipal Corporation to the Mayor, is available on record as has been sought by the appellant. She also handed over the information pertaining to data/recommendation of Municipal Corporation sent to Government of India for ranking of Municipal Corporation for the year 2019-20 to the appellant during the course of hearing comprising 400 pages. Regarding 2018-19, she states that the data/recommendation are not available on record as the employee posted as MIS during the said period, has already left the job as he was on contractual appointment.

3. Also, Sh. Ranjiv Kumar, Secretary, Municipal Corporation, Mohali submitted the copies of letters regarding action taken on the RTI Application of the appellant bearing No. 43 dated 13.12.2021, which is taken on record and a copy of the same has been handed over to the appellant during the course of hearing. He also tender unconditional apology for the same and requested to withdraw the show cause notice issued to him.

4. However, the appellant states that the website of the Municipal Corporation, Mohali has not been updated regularly in compliance of Section 4 of the RTI Act, 2005. He further states that the Public Information Officer and the First Appellate Authority has not been correctly updated as Dr. Tamanna is the PIO of the Corporation and the First Appellate Authority is Mrs. Harkirat Kaur. However, as per the website, Sh. Ranjiv Kumar has been shown as Public Information Officer and First Appellate Authority has been shown as Dr. Kanu Thind, PCS, Joint Commissioner, who has already been transferred a month back.

5. Also, Sh. Ranjiv Kumar, Secretary, Municipal Corporation states that the website of the Municipal Corporation could not be updated because of the retirement of the Programmer concerned, which is not tenable.

6. After hearing both the parties, it is observed that the Municipal Corporation has not updated the list of Public Information Officer/First Appellate Authority in compliance of Section 4 of the RTI Act on the one hand and the information/data/recommendation pertaining to the year 2018-19 has not been supplied to the appellant so far. Accordingly, in the public interest, Sh. K.K. Garg IAS, Commissioner, Municipal Corporation, Mohali is directed to remain present on the next date of hearing and submit the action taken to recover the record pertaining to 2018-2019 as mentioned herein. Although it is not the subject matter of the RTI application of the appellant but in the public interest he is also directed to submit the response regarding updation of list of Public Information Officer/First Appellate

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Authority in compliance of Section 4 of the RTI Act, 2005. The decision regarding show cause notice issued to Sh. Ranjiv Kumar, Secretary, Municipal Corporation Mohali will be taken on the next date of hearing. “
And the case was adjourned for 8.2.2022.

8. During the hearing on 8.2.2022, the Commissioner, Municipal Corporation, Mohali Sh. K.K. Garg, IAS was present and has filed the written submissions and the relevant portion of the same is reproduced below:-

ਬੇਨਤੀ ਹੈ ਕਿ ਵਿਸ਼ੇ ਅਧੀਨ ਕੇਸਾਂ ਵਿੱਚ ਮਾਨਯੋਗ ਕਮਿਸ਼ਨ ਵੱਲੋਂ ਮਿਤੀ-14.12.2021 ਨੂੰ ਹੇਠ ਲਿਖੇ ਅਨੁਸਾਰ ਹੁਕਮ ਜਾਰੀ ਕੀਤੇ ਗਏ ਸਨ:-

“Accordingly, in the public interest, Sh. K.K. Garg IAS, Commissioner, Municipal Corporation, Mohali is directed to remain present on the next date of hearing and submit the action taken to recover the record pertaining to 2018-2019 as mentioned herein. Although it is not the subject matter of the RTI application of the appellant but in the public interest he is also directed to submit the response regarding updation of list of Public Information Officer/First Appellate Authority in compliance of section 4 of the RTI Act, 2005.”

ਹੁਕਮ ਦੀ ਪਾਲਣਾ ਵਿੱਚ ਨਿਮਨਹਸਤਾਖਰ ਵੱਲੋਂ ਹੁਕਮ ਮਿਤੀ-14.01.2022 ਰਾਹੀਂ ਸਾਲ 2018-2019 ਦੇ ਸਵੱਛ ਸਰਵੇਖਣ ਸਬੰਧੀ ਰਿਕਾਰਡ ਦੀ ਭਾਲ ਲਈ ਡਾ. ਤੰਮਨਾ, ਮੈਡੀਕਲ ਅਫਸਰ (ਸਿਹਤ) ਦੀ ਪ੍ਰਧਾਨਗੀ ਹੇਠ ਇੱਕ ਚਾਰ ਮੈਂਬਰੀ ਕਮੇਟੀ ਦਾ ਗਠਨ ਕੀਤਾ ਗਿਆ ਸੀ ਅਤੇ ਕਮੇਟੀ ਨੂੰ ਹਦਾਇਤ ਕੀਤੀ ਗਈ ਸੀ ਕਿ ਕਮੇਟੀ 15 ਦਿਨਾਂ ਦੇ ਅੰਦਰ-2 ਦਫਤਰ ਦੇ ਮੁਕੰਮਲ ਰਿਕਾਰਡ ਦੀ ਭਾਲ ਕਰਕੇ ਸਾਲ 2018-2019 ਦੇ ਸਵੱਛ ਸਰਵੇਖਣ ਸਬੰਧੀ ਰਿਕਾਰਡ ਮੁਹੱਈਆ ਕਰਵਾਉਣਗੇ। ਕਮੇਟੀ ਵੱਲੋਂ ਇਸ ਸਬੰਧੀ ਇੱਕ ਰਿਪੋਰਟ ਮਿਤੀ-24.01.2022 ਨਿਮਨਹਸਤਾਖਰ ਨੂੰ ਪੇਸ਼ ਕੀਤੀ ਗਈ ਜਿਸ ਵਿੱਚ ਰਿਪੋਰਟ ਕੀਤੀ ਗਈ ਹੈ ਕਿ ਇਸ ਦਫਤਰ ਵੱਲੋਂ ਸਾਲ 2018-2019 ਦੇ ਸਵੱਛ ਸਰਵੇਖਣ ਸਬੰਧੀ ਰਿਕਾਰਡ ਨੂੰ ਰਿਕਵਰ ਕਰਨ ਲਈ ਕਮੇਟੀ ਵੱਲੋਂ ਆਪਣੀ ਦੇਖ-ਰੇਖ ਹੇਠ ਨਗਰ ਨਿਗਮ ਦਾ ਸਟਾਫ ਲਗਾ ਕੇ ਰਿਕਾਰਡ ਦੀ ਭਾਲ ਕੀਤੀ ਗਈ। ਭਾਲ ਉਪਰੰਤ ਰਿਕਾਰਡ ਨਾ ਮਿਲਣ ਕਰਕੇ ਰਿਕਾਰਡ ਮੁਹੱਈਆ ਕਰਵਾਉਣ ਲਈ ਉਸ ਸਮੇਂ ਦੇ MIS Expert, ਜੋ ਕਿ ਇਸ ਸਮੇਂ ਦਫਤਰ ਛੱਡ ਚੁੱਕਾ ਹੈ, ਨਾਲ ਤਾਲ ਮੇਲ ਕਰਨ ਦਾ ਫੈਸਲਾ ਕੀਤਾ ਗਿਆ। ਦਫਤਰ ਵੱਲੋਂ ਇੱਕ ਪੱਤਰ ਨੰ-3196 ਮਿਤੀ-25.01.2022 ਸ਼੍ਰੀ ਦਲਵਿੰਦਰ ਸਿੰਘ ਪੁੱਤਰ ਸ਼੍ਰੀ ਸੁਰਿੰਦਰ ਸਿੰਘ, ਪਿੰਡ-ਖੇਰਪੁਰ, ਜ਼ਿਲ੍ਹਾ-ਪਟਿਆਲਾ, ਜੋ ਕਿ ਨਗਰ ਨਿਗਮ, ਐਸ.ਏ.ਐਸ ਨਗਰ ਵਿਖੇ ਬਤੌਰ MIS Expert ਸੇਵਾ ਨਿਭਾ ਚੁੱਕੇ ਹਨ, ਨੂੰ ਇਸ ਰਿਕਾਰਡ ਦੇ ਹੈਂਡਓਵਰ ਕੀਤੇ ਜਾਣ ਸਬੰਧੀ ਸੂਚਨਾ ਨਗਰ ਨਿਗਮ ਦਫਤਰ ਨੂੰ ਮੁਹੱਈਆ ਕਰਵਾਉਣ ਬਾਰੇ ਲਿਖਿਆ ਗਿਆ ਹੈ। ਇਸ ਪੱਤਰ ਦੀ ਕਾਪੀ ਨਾਲ ਨੱਥੀ ਕਰ ਦਿੱਤੀ ਗਈ ਹੈ। ਪਰੰਤੂ ਸ਼੍ਰੀ ਦਲਵਿੰਦਰ ਸਿੰਘ ਵੱਲੋਂ ਅੱਜ ਤੱਕ ਇਸ ਪੱਤਰ ਦਾ ਕੋਈ ਵੀ ਜਵਾਬ ਇਸ ਦਫਤਰ ਨੂੰ ਨਹੀਂ ਭੇਜਿਆ ਗਿਆ ਹੈ। ਟੈਲੀਫੋਨ ਰਾਹੀਂ ਸੰਪਰਕ ਕਰਨ ਤੇ ਉਸ ਵੱਲੋਂ ਦੱਸਿਆ ਗਿਆ ਹੈ ਕਿ ਸਬੰਧਤ ਰਿਕਾਰਡ ਉਸ ਪਾਸ ਉਪਲਬਧ ਨਹੀਂ ਹੈ। ਇਸ ਲਈ ਨਗਰ ਨਿਗਮ ਹਾਲ ਦੀ ਘੜੀ ਇਹ ਸੂਚਨਾ ਪ੍ਰਾਰਥੀ ਨੂੰ ਉਪਲਬਧ ਕਰਵਾਉਣ ਲਈ ਅਸਮਰੱਥ ਹੈ। ਇਸ ਤੋਂ ਇਲਾਵਾ ਆਪ ਜੀ ਨੂੰ ਸੂਚਿਤ ਕੀਤਾ ਜਾਂਦਾ ਹੈ ਕਿ ਨਗਰ ਨਿਗਮ, ਐਸ.ਏ.ਐਸ ਨਗਰ ਦੀ ਵੈਬਸਾਈਟ www.mcmohali.org ਤੇ ਲੋਕ ਸੂਚਨਾ ਅਧਿਕਾਰੀ/ਪਹਿਲੀ ਅਪੀਲ ਅਥਾਰਟੀ ਸਬੰਧੀ ਸੂਚਨਾ Suo-Motu disclosure under RTI act ਦੇ Link ਹੇਠ ਅਪਡੇਟ ਕਰ ਦਿੱਤੀ ਗਈ ਹੈ ਜੀ।

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9. Also, a reply dated 15.2.2022 has been received from Sh. Ranjiv Kumar, Secretary, Municipal Corporation regarding show cause notice issued to him in this case, as the opportunity was granted to him in accordance with his submissions during the hearing on 8.2.2022 that he is not at fault. He has also requested to withdraw the show cause notice issued to him due to Covid 19 pandemic as the appellant filed the RTI application(s) during the lock down and the officials were busy in handling the situation as per the Government instructions. He has also submitted that he is not the present Public Information Officer in these cases.

10. After hearing both the parties the following facts have been emerged:-

1. That the data/information could not be recovered/supplied pertaining to year 2018-2019 on the basis of which the data was entered in the Government of India portal for ranking of the Municipal Corporation and the specific submissions have been filed in this regard;

2. The Municipal Corporation, Mohali has not disseminated the complete information in compliance of Section 4 of the RTI Act, 2005 on its website although it is not a subject matter of the titled cases.

3. It is also a fact on record that the respondent Public Information Officer has simply replied that no record has been prepared/no inventory prepared i.e. Point No. 12 of the RTI application – Detail of Inventory, if dustbins installed prior to 2017 which also raises eyebrows. But no documentary evidence has been placed on record whether any action has been initiated by the respondent-Public Information Officer to make the inventory of dustbins installed prior to 2017.

11. Undoubtedly, the appellant has sought the information in the public interest related with slipping of ranking in Swatch Safai Abhiyan and against the pollution and

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environmental degradation caused by the illegal dumping of industrial Municipal Solid Waste by the Municipal Corporation. But the fact that the appellant filed the RTI application during the Covid 19 pandemic - lock down, instructions of the Government to work with 50% staff, 1st and 2nd wave, can also not be overlooked. Therefore, after consideration and taking a lenient view, the show cause notice issued to Sh. Ranjiv Kumar, Secretary, Municipal Corporation, Mohali is hereby withdrawn.

12. As the information has not been supplied to the appellant within the prescribed period as per the provisions of the RTI Act, 2005, he is awarded a compensation of Rs.5,000/- (Rupees Five Thousand only) under Section 19(8) (b) of the RTI Act for the detriment suffered by him. The amount shall be sent to the appellant through Demand Draft under intimation to the Commission within two weeks by the Commissioner, Municipal Corporation, Mohali.

13. Regarding the missing record by the officials of the Municipal Corporation, the Commissioner, Municipal Corporation, Mohali assured the Commission that he would check up whether it is possible to retrieve the data relating to 2018-2019 from the official website of the Government of India and in case it is available then the same will also be supplied to the appellant. However, if it is not possible, then he would ensure that appropriate action for the missing record of 2018-2019 will be taken under the law.

14. Although, the list of Public Information Officer and First Appellate Authority has been updated by the Municipal Corporation, Mohali but still it is incomplete as the name, contact details and the work distribution of each Public Information Officer/First Appellate Authority has not been updated so far. Accordingly, the Commissioner, Municipal Corporation, Mohali is directed to ensure complete compliance of Section 4 of the RTI Act, 2005 preferably within three months from the receipt of this order.

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15. The Commissioner, Municipal Corporation, Mohali may like to examine the issue regarding the inventory details prior to 2017 which are not available in the office as per the record available in the case file and take corrective measures in this regard, in the public interest.

16. With these directions, the titled cases are disposed of and closed.

Sd
(Maninder Singh Patti)
State Information Commissioner,
Punjab

sd
(Suresh Arora)
Chief Information Commissioner,
Punjab.

Dated : 10.3.2022

PS/SIC (MSP)

Sh. Sh. K.K. Garg IAS,
Commissioner,
Municipal Corporation,
Mohali

Sh. Ranjiv Kumar,
Secretary,
Municipal Corporation,
Mohali

Sh. Harpreet Singh,
Executive Engineer
Municipal Corporation,
Mohali

Dr. Tamana, Medical Officer (Health)
Municipal Corporation,
Mohali