

# PUNJAB STATE INFORMATION COMMISSION

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

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

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Whatsapp No. 62848-20189 Cisco Webex: 158 708 3455



Shri Rakesh Kumar Gupta Adv.

# 8/237, Jagraon Road,

Mullanpur,

Distt. Ludhiana.

Mob. 9814924851

..Appellant

Vs

Public Information Officer,  
O/o Secretary to Govt. of Punjab,  
(Personnel Department),  
Punjab Civil Secretariat,  
Chandigarh.

First Appellate Authority  
O/o Secretary to Govt. of Punjab,  
(Personnel Department),  
Punjab Civil Secretariat-1,  
Chandigarh.

Public Information Officer  
o/o Addl. Chief Secretary,  
Local Government 4 branch,  
Punjab Municipal Bhawan,  
Plot No. 3, Sector 35-A  
Chandigarh.

Public Information Officer  
o/o Addl. Chief Secretary,  
Local Government 1,2,3 & General branch,  
Punjab Municipal Bhawan,  
Plot No. 3, Sector 35-A  
Chandigarh.

....Respondent(s)

Appeal Case No. 852/2021

ORDER

This order may be read with the order dated 28.6.2021 vide which the order in this case was reserved to be pronounced.

2. The brief of the case is that the appellant has sought the following information:-

- i. Certified copies of records for qualification required for appointments of various officials (Draughtsmen, Building Clerks, Building Inspectors, JE, AME, ME, SDO, ATP, STP, Executive officers, sanitary inspectors, Accountant and office Superintendents) in the Local Govt. Department (Municipal Councils, Nagar Panchayat, Municipal Corporations, Improvement trusts etc.).

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- ii. Certified copy of records of additional requirements needed for promotions to the posts of Draughtsmen, Building Clerks, Building Inspectors, JE, AME, ME, SDO, ATP, STP, Executive officers, sanitary inspectors, Accountant and office Superintendents.
- iii. Certified copies of sections of Rules/notifications/orders regarding promotion from junior ranks to senior ranks while their charge sheets/inquiries pending are pending.
- iv. Certified copies of sections of Rules/notifications/orders regarding action to be taken against employees found to have got appointment or promotion on the basis of fake/invalid certificates and degrees. Also provide list of employees and details of action taken against employees under this provisions.
- v. Certified copies of orders of demotion letters, suspension letters and dismissal letters issued to employees in the Local Govt. Department and copies of inquiry report on the basis of which demotion is ordered. Also provide a list of these employees and the post they held at the time of action.

3. The appellant has sought the information from the Public Information Officer o/o Secretary to Govt. of Punjab (Personnel Department), Chandigarh but the said office transferred the RTI application of the appellant to the Local Government Department being the custodian of the record regarding the sought information.

4. During the hearing on 17.5.2021, it has transpired that the Local Government Department has appointed all the Superintendents of the Branches i.e. Local Government 1,2,3 & General Branch as Public Information Officers. The General Branch, Local Government Department informed the Commission vide letter No. 19793 dated 17.5.2021 that the information related to the General Branch has already been sent to the appellant vide letter dated 13.5.2021. Accordingly, the copy of the information was sent to the appellant to file the rejoinder viz a viz instructions issued by the Ministry of Personnel, Public Grievances & Pensions, Department of Personnel & Training No. 10/2/2008-IR dated 12.6.2008 regarding transfer the RTI application of the appellant under Section 6(3) of the RTI Act, 2005 to 'public authority' and not to the 'public authorities'.

5. The appellant stated that he has received the complete information pertaining to Point No. 1, 2 and 3 of the RTI application. He further stated that the respondents be directed to supply the complete information pertaining to Point No. 4 & 5 of the RTI application. However, the representative of the respondents stated that the sought

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information concerning Point No. 4 & 5 of the RTI application of the appellant relates to the field offices of the Local Government Department.

6. That the sought information pertaining to Point no. 5 of the RTI application relates to the various field offices of the Local Government Department, Directorate and Secretariat having separate Public Information Officers. As the Additional Chief Secretary, Local Government Department has designated the Superintendents of the concerned branches as Public Information Officer at the Secretariat Level, therefore, no directions can be issued to implead all the Public Information Officers as party in this case, in accordance with the instructions issued by the Ministry of Personnel, Public Grievances & Pensions, Department of Personnel & Training No. 10/2/2008-IR dated 12.6.2008 to transfer the RTI application of the appellant under Section 6(3) of the RTI Act, 2005 to 'public authority' and not to the 'public authorities'.

7. The appellant also requested during the hearing that the Local Government Department has not published any list on its website related to the Public Information Officers of the department in compliance with the provisions of the RTI Act, 2005 at the Secretariat/Directorate level. He has also requested that the department may be instructed to publish the same on its website so that the public authorities as well as the appellants/complainants should not be harassed. He has also requested that the General Branch may be directed to supply the information pertaining to Point No. 4 of the RTI application i.e. certified copies of sections of Rules/notifications/orders regarding action to be taken against employees found to have got appointment or promotion on the basis of fake/invalid certificates and degrees as the department has already prepared a list. However, the representative of the respondents stated that the General Branch has not prepared any such list.

8. Accordingly the Public Information Office, General Branch o/o Director, Local Government is directed to supply the information pertaining to Point No. 4 of the RTI application i.e. certified copies of sections of Rules/notifications/orders regarding action to be taken against employees found to have got appointment or promotion on the basis of

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fake/invalid certificates within four weeks from the issue of this order.

9. The copy of this order is being **sent** to the Additional Chief Secretary, Local Government to ensure that the list of Public Information Officer(s) of the Secretariat as well as the field offices of the Local Government Department is published on its official website.

10. Keeping in view the above, no further directions can be given to the respondent authority under the provisions of the RTI Act, 2005. With these directions the case is disposed of and closed. However, the liberty is granted to the appellant to approach the Commission in case he does not receive the certified copies of Sections of Rules/notifications/orders as mentioned in para 8 above within six weeks from the date of issue of this order.

sd

(Suresh Arora)

Chief Information Commissioner,  
Punjab.

Dated: 13.7.2021

CC

Addl. Chief Secretary to Govt. of Punjab, **Registered**  
Local Government Department,  
Municipal Bhawan,  
Sector 35, Chandigarh.