

PUNJAB STATE INFORMATION COMMISSION

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

Ph: 0172-2864111, Visit us @ www.infocommpunjab.com,

Email: psic21@punjabmail.gov.in



Sh. Ashok Kumar,

F-7/250, Gali Arey Wali Kashmir Avenue,
Amritsar.

Versus

Public Information Officer,

O/o Building Branch,
Municipal Corporation, Amritsar.

First Appellate Authority

Commissioner,
Municipal Corporation, Amritsar.

Appeal Case No. 5249 of 2023

ORDER:

(To be read with reference to the Order dated 21.11.2023 and 7.3.2024)

1. The RTI application is dated **21.04.2023** vide which the appellant has sought information **regarding Notice under section 264**, as enumerated in his RTI application. First Appeal was filed with the First Appellate Authority (FAA) on **01.06.2023** and Second Appeal was filed in the Commission on **11.08.2023** under Section 19 of the Right to Information Act, 2005. The case was last heard on **7.3.2024**.
2. This case was reserved on 7.3.2024, where on the respondent PIO was absent for the second successive Hearing, despite the Show Cause Notice issued to him vide this Commission's Order of 21.11.2023. Notably, PIO has neither made any written submission or response to the Show Cause Notice and nor has he availed opportunity to be heard in person.
3. Accordingly, the Commission deems it appropriate to impose a penalty on the respondent PIO, office of, Building Branch, Municipal Corporation, Amritsar, who was incumbent on the date of filing of this RTI application which is 21.4.2023.

Order: Keeping all the facts of the case in mind, this is a fit case to invoke Section 20 of RTI Act and impose a penalty on the respondent PIO Section 20(1), which reads as under:

"Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified under sub Section (1) of Section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall impose a penalty of 250/- Rupees each day till application is received or information is furnished, so however, the total amount of such penalty shall not exceed Twenty Five Thousand Rupees;

Provided that the Central Public Officer or the State Public Information Officer, as the case may be, shall be given a reasonable opportunity of being heard before any penalty is imposed on him;

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Appeal Case No. 5249 of 2023

Provided further that the burden of proving that he acted reasonably and diligently shall be on the Central Information Officer, as the case may be.”

The onus and responsibility lie on the PIO to ensure the transmission of the complete information to the appellant. **The PIO, office of, Building Branch, Municipal Corporation, Amritsar, who was incumbent on 21.4.2023**, is hereby held guilty for not providing the information on time as prescribed under Section 7, which is within 30 days of the receipt of the request and for repeated and willful defiance of the Punjab State Information Commission's orders.

A penalty of **Rupees Twenty Five Thousand (Rs. 25000.00)** is hereby imposed upon the **PIO, office of, Building Branch, Municipal Corporation, Amritsar, who was incumbent on the date of filing of this RTI application which is 21.4.2023**, which be deducted from his salary and deposited in the Punjab Government Treasury under head **“0070-Other Administrative Services-60-other Services-800-Other Receipts-86-Fees Under the Right to Information Act.”** The **PIO, office of, Building Branch, Municipal Corporation, Amritsar**, is directed to duly inform the Commission of the compliance of the orders by producing a copy of the challan **at the next hearing of this Appeal Case**. Copies of this order be sent to the parties through registered post.

4. The Commission further deems it appropriate to award compensation to the appellant Sh. Ashok Kumar, who has made to much suffer for no fault of his own.

5. In view of the harassment and detriment caused to the appellant, **Sh. Ashok Kumar**, this Commission deems it appropriate to award a **compensation of Rupees Five Thousand (Rs. 5000.00)**. This is to be paid vide a crossed cheque / demand draft, by the Public Authority, in this instance, the **PIO, office of, Building Branch, Municipal Corporation, Amritsar**, within 30 days of receiving this Order. Proof of payment is to be submitted to this Commission.

6. The Case is adjourned with the aforesaid directions. Since I will be concluding my Five-year term as State Information Commissioner, Punjab, on 9.7.2024, and there are no available dates to hear the case further, this case file be sent back to the Registry Branch to be put up before the Hon'ble Chief Information Commissioner, for reallocation as he deems appropriate.

Sd/-

(ASIT JOLLY)

State Information Commissioner

Chandigarh

20.6.2024

Cc: 1. Director, Local Bodies, Sector 35 A, Chandigarh, for further necessary action.
2. Deputy Registrar, PSIC, along with case file.

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Ms Kamaldeep Kaur,

W/o Ajaipal Singh,

Village Gumtala, Near Government Dispensary,
Amritsar.

Versus

Public Information Officer

O/o Commissioner,

Municipal Corporation, Amritsar.

First Appellate Authority,

Commissioner,

Municipal Corporation, Amritsar.

Appeal Case No. 2994 of 2023

ORDER:

(To be read in continuity with earlier orders on 5.12.2023 and 21.3.2024)

1. The RTI application is dated **6.2.2023** vide which the appellant has sought information **regarding EO Letter No. 2204 Dated 18.8.2020, commercial properties / petrol pump**, as enumerated in her RTI application. First Appeal was filed with the First Appellate Authority (FAA) on **7.3.2023** and Second Appeal was filed in the Commission on **8.5.2023** under Section 19 of the Right to Information Act, 2005. The case was last heard on **21.3.2024**.

2. This case was reserved on 21.3.2024, where on the respondent PIO was absent for the second successive Hearing, despite the Show Cause Notice issued to him vide this Commission's Order of 5.12.2023. Notably, PIO has neither made any written submission or response to the Show Cause Notice and nor has he availed opportunity to be heard in person.

3. Accordingly, the Commission deems it appropriate to impose a penalty on the respondent PIO, office of, Commissioner, Municipal Corporation, Amritsar, who was incumbent on the date of filing of this RTI application which is 6.2.2023.

Order: Keeping all the facts of the case in mind, this is a fit case to invoke Section 20 of RTI Act and impose a penalty on the respondent PIO Section 20(1), which reads as under:

"Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified under sub Section (1) of Section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall impose a penalty of 250/- Rupees each day till application is received or information is furnished, so however, the total amount of such penalty shall not exceed Twenty Five Thousand Rupees;

Provided that the Central Public Officer or the State Public Information Officer, as the case may be, shall be given a reasonable opportunity of being heard before any penalty is imposed on him;

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Appeal Case No. 2994 of 2023

Provided further that the burden of proving that he acted reasonably and diligently shall be on the Central Information Officer, as the case may be.”

The onus and responsibility lie on the PIO to ensure the transmission of the complete information to the appellant. **The PIO, office of, Commissioner Municipal Corporation, Amritsar, who was incumbent on 6.2.2023**, is hereby held guilty for not providing the information on time as prescribed under Section 7, which is within 30 days of the receipt of the request and for repeated and willful defiance of the Punjab State Information Commission's orders.

A penalty of **Rupees Twenty Five Thousand (Rs. 25000.00)** is hereby imposed upon the **PIO, office of, Commissioner, Municipal Corporation, Amritsar, who was incumbent on the date of filing of this RTI application which is 6.2.2023**, which be deducted from his salary and deposited in the Punjab Government Treasury under head “**0070-Other Administrative Services-60-other Services-800-Other Receipts-86-Fees Under the Right to Information Act.**” The **PIO, office of, Commissioner, Municipal Corporation, Amritsar**, is directed to duly inform the Commission of the compliance of the orders by producing a copy of the challan **at the next hearing of this Appeal Case**. Copies of this order be sent to the parties through registered post.

4. The Commission further deems it appropriate to award compensation to the appellant Ms. Kamaldeep Kaur, who has made to much suffer for no fault of her own.

5. In view of the harassment and detriment caused to the appellant, **Ms. Kamaldeep Kaur**, this Commission deems it appropriate to award a **compensation of Rupees Five Thousand (Rs. 5000.00)**. This is to be paid vide a crossed cheque / demand draft, by the Public Authority, in this instance, the **PIO, office of, Commissioner, Municipal Corporation, Amritsar**, within 30 days of receiving this Order. Proof of payment is to be submitted to this Commission.

6. The Case is adjourned with the aforesaid directions. Since I will be concluding my Five-year term as State Information Commissioner, Punjab, on 9.7.2024, and there are no available dates to hear the case further, this case file be sent back to the Registry Branch to be put up before the Hon'ble Chief Information Commissioner, for reallocation as he deems appropriate.

Sd/-

(ASIT JOLLY)

State Information Commissioner

Chandigarh

20.6.2024

Cc: 1. Director, Local Bodies, Sector 35 A, Chandigarh, for further necessary action.
2. Deputy Registrar, PSIC, along with case file.

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Ms Kamaldeep Kaur,
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Versus

Public Information Officer
O/o Municipal Corporation,
Amritsar.
First Appellate Authority,
Commissioner, Municipal Corporation,
Amritsar.

Appeal Case No. 3809 of 2023

ORDER:

(To be read in continuity with earlier orders on 13.12.2023 and 21.3.2024)

1. The RTI application is dated **23.11.2020** vide which the appellant has sought information **regarding the contract was allotted to the company that manufactured the 16000 smart cards under the street vendors Act,** as enumerated in his RTI application. First Appeal was filed with the First Appellate Authority (FAA) on **17.5.2023** and Second Appeal was filed in the Commission on **12.6.2023** under Section 19 of the Right to Information Act, 2005. The case was last heard on **21.3.2024**.
2. This case was reserved on 21.3.2024, where on the respondent PIO was absent for the second successive Hearing, despite the Show Cause Notice issued to him vide this Commission's Order of 13.12.2023. Notably, PIO has neither made any written submission or response to the Show Cause Notice and nor has he availed opportunity to be heard in person.
3. Accordingly, the Commission deems it appropriate to impose a penalty on the respondent PIO, office of, Municipal Corporation, Amritsar, who was incumbent on the date of filing of this RTI application which is 23.11.2020.

Order: Keeping all the facts of the case in mind, this is a fit case to invoke Section 20 of RTI Act and impose a penalty on the respondent PIO Section 20(1), which reads as under:

"Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified under sub Section (1) of Section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall impose a penalty of 250/- Rupees each day till application is received or information is furnished, so however, the total amount of such penalty shall not exceed Twenty Five Thousand Rupees;

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Appeal Case No. 3809 of 2023

Provided further that the burden of proving that he acted reasonably and diligently shall be on the Central Information Officer, as the case may be."

The onus and responsibility lie on the PIO to ensure the transmission of the complete information to the appellant. **The PIO, office of, Municipal Corporation, Amritsar, who was incumbent on 6.2.2023**, is hereby held guilty for not providing the information on time as prescribed under Section 7, which is within 30 days of the receipt of the request and for repeated and willful defiance of the Punjab State Information Commission's orders.

A penalty of **Rupees Twenty Five Thousand (Rs. 25000.00)** is hereby imposed upon the **PIO, office of, Municipal Corporation, Amritsar, who was incumbent on the date of filing of this RTI application which is 23.11.2020**, which be deducted from his salary and deposited in the Punjab Government Treasury under head "**0070-Other Administrative Services-60-other Services-800-Other Receipts-86-Fees Under the Right to Information Act.**" The **PIO, office of, Building Branch, Municipal Corporation, Amritsar**, is directed to duly inform the Commission of the compliance of the orders by producing a copy of the challan **at the next hearing of this Appeal Case**. Copies of this order be sent to the parties through registered post.

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(ASIT JOLLY)
State Information Commissioner
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20.6.2024

Cc: 1. Director, Local Bodies, Sector 35 A, Chandigarh, for further necessary action.
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