

12/10/11
3-12/13

Government of Punjab
Department of Local Government
(Local Government-4 Branch)

2421/OC
4-12-13

ORDER

Sh. Karandeep Singh Kairon filed CWP NO. 18137 of 2013 in the Punjab & Haryana High Court against the orders of appointment of APIOs, PIOs and Appellate Authorities by the Commissioner, Municipal Corporation, Ludhiana. While disposing of CWP No. 18137 of 2013, the Hon'ble Punjab and Haryana High Court passed orders dated 20.8.2013. The operative part of the order is as under:-

" find this to be fair request. The respondent No. 1 is directed to consider the said representation and decide the same by passing necessary order thereon within a period of three months from the date of receipt of a certified copy of this order."

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Personal hearing was given to the petitioner and commissioner, Municipal Corporation, Ludhiana, who appeared before me, on 12.11.2013. The petitioner Sh. Karandeep Singh Kairon argued that CMC, Ludhiana was not competent to appoint PIO, APIO and Appellate Authority at his own level, especially so when the Government (in the Deptt. of Local Government) had issued notification on 20.11.2009 in this regard.

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He submitted that the Government of Punjab had issued two notifications on 02.06.2009 and 20.11.2009 wherein the Commissioner, Municipal Corporation has been designated as the Appellate Authority; Joint/Deputy/Assistant Commissioner as PIO and concerned Branch Superintendent as APIO. But the Commissioner Municipal Corporation Ludhiana has passed two orders dated 14.04.2013 and 29.04.2013 whereby he has further delegated the powers of Appellate Authority, PIO and APIO to junior officers. He referred to Right to Information Act and submitted that there is no provision under which the designated officer can further delegate his powers to his subordinates. In view of the same he submitted that the orders of the Commissioner Municipal Corporation are nullity in the eyes of law and required to be set-aside.

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The Commissioner, Municipal Corporation, Ludhiana, on the other hand submitted that there is pressure of work upon the Joint/Deputy/Assistant Commissioners who are designated as PIO by the Government and many a times they are summoned by the RTI Commission resulting in inconvenience to the public who visited their offices. Therefore, with a view to bring balance in the working of the Corporation and also disposal of work of RTI, the delegation of powers has been done.

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I have heard both the parties. I have also gone through the relevant portions of the RTI Act. There is no provision under the Law in which the designated officer can further delegate his powers to his subordinates, therefore, the orders of delegation of powers issued by the Commissioner, Municipal Corporation, Ludhiana are null in accordance with law and hence set-aside.

The Additional/Joint/Deputy/Assistant Commissioners are senior officers of the Corporation. Many a times they exercise their original jurisdiction and at other times they delegated powers of the Commissioner. If they remain absent from the office on one or other account, the general public suffers. Therefore, taking all these facts and circumstances into consideration i.e. the requirement of the office of the Municipal Corporation, the multifarious duties which are carried out by the Commissioner and Joint/Deputy/Assistant Commissioner on the one hand and the importance which has been attached to the Right to the Information, and it would be just and fair if new order is passed on the following lines designating fresh APIO, PIO and Appellate Authorities. This to my mind will not only cater to the requirements of the RTI but will also not become an impediment in day to day functioning of the Corporation. Thus in partial modification of order dated 3.10.2013 issued vide endorsement No. 8/71/05-1LG4/107472/1-12, dated 8.10.2013, the following officers are appointed as APIO, PIO and Appellate Authority in the Municipal Corporations in terms of section-5(1) of the RTI Act, 2005.

Sr. No.	Administrative Unit at which information is to be supplied	APIO	PIO	Appellate Authority
1.	Municipal Corporations	All Assistant Corporation Engineers and Inspectors for their Zones/Areas	Corporation Engineers and Superintendents for their respective Zones/Areas	Additional/Joint/ Deputy/ Assistant Commissioner if they are IAS or PCS officers. Where there is no IAS/PCS officer, the Commissioner will be Appellate Authority.

With this order, order of the Hon'ble Punjab & Haryana High Court passed in the CWP No.18137 of 2013 dated 20.8.2013 stands complied with.

Dated, Chandigarh,
The 21st November 2013

Ashok Kumar Gupta, IAS
Secretary to Government of Punjab
Department of Local Government.

Endst. No. 8/71/05-1LG4/126873/1-12

Dated, Chandigarh, the 21.11.2013

A copy of the above is forwarded to the following for information and necessary action:-

- 1) Private Secretary/Local Government Minister, Punjab;
- 2) Private Secretary/Chief Secretary to Government of Punjab;
- 3) Private Secretary/Secretary, Department of Local Government;
- 4) Principal Secretary, Department of Information & Technology;
- 5) Personal Assistant/Director Local Government, Punjab;
- 6) Personal Assistant/Special Secretary, Local Government, Punjab;
- 7) Personal Assistant/Under Secretary, Local Government, Punjab;
- 8) Chief Vigilance Officer, Local Government, Punjab;
- 9) Chief Town Planner, Local Government, Punjab;
- 10) All Commissioners, Municipal Corporations in the Punjab State;
- 11) All Branch Officers/Branch Superintendents (Both Secretariat and Directorate) of Local Government, Punjab;
- 12) All Regional Deputy Directors, Local Government, Punjab;

Balwinder Singh
Superintendent. 21.11.20

उत्तर सं: 959/RTI

दिनांक: 5/12/13