



Sh. Karnail Singh, S/o ShChhanga Singh,
New Azad Nagar,
Ferozepur City.

... Complainant

Versus

Public Information Officer,
O/o Naib Tehsildar, Mamdot,
Distt Ferozepur.

...Respondent

Complaint Case No. 113 of 2021

PRESENT: None for the Complainant
None for the Respondent

ORDER: This order should be read in continuation to the previous order.

The complainant through the RTI application dated 02.12.2020 has sought information regarding action taken on the application dated 26.02.2020(Diary No.421 dt.27.02.2020) relating to providing false documents – present status of the application and other information as enumerated in the RTI application from the office of SDM Mamdot which transferred the same to Naib Tehsildar, Mamdot Distt.Ferozepur on 09.12.2020 under section 6(3) of the RTI Act. on 09.12.2020. The complainant was not provided with the information after which the complainant filed a complaint in the Commission on 15.01.2021.

On the date of first hearing on 28.06.2021, the appellant informed that he had filed an RTI application with the office of SDM (Civil) Ferozepur, which transferred the same to Naib Tehsildar, Mamdot on 09.12.2020 but the Naib Tehsildar has not provided any information.

The respondent was absent without any legitimate reasons for the absence. Since there has been an enormous delay of more than six months in attending to the RTI application and the Naib Tehsildar had not responded to the RTI application transferred by SDM Ferozepur on 09.12.2020, the PIO was issued a **show-cause notice under Section 20 of the RTI Act 2005 and directed to file reply on an affidavit.** The PIO-Naib Tehsildar, Mamdot was again directed to provide whatever information exists in the record and action taken on the complaint of the appellant.

On the date of hearing on **25.08.2021**, as per the appellant, the information was not supplied by the PIO. The respondent was absent on 2nd consecutive hearing nor had filed a reply to the show cause notice as well as not provided the information. The PIO was given one last opportunity to appear before the Commission on the next date of hearing and file a reply to the **show-cause notice** otherwise it will be presumed that the PIO has nothing to say in the matter and the decision will be taken ex-party.

On the date of the hearing on **27.10.2021**, the appellant claimed that the PIO has not supplied the information. The respondent was absent on 3rd consecutive hearing nor had sent any reply to the show-cause notice.

Since the responsibility to ensure the timely transmission of correct information to the appellant lies on the PIO, the PIO-Naib Tehsildar Mamdot was held guilty for not providing the information on time as prescribed under section 7, and repeatedly defying the orders of the Commission. Further, since the appellant had to suffer undue inconvenience to get the information, the PIO-Naib Tehsildar Mamdot was directed to pay an **amount of Rs.5000/-** via demand draft as compensation to the appellant and submit proof of having compensated the appellant.

The decision on show cause was to be taken on the next date of hearing.

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On the date of I hearing on **01.12.2021**, the appellant claimed that the PIO has not supplied the information nor had paid any compensation as per the order of the Commission.

That Smt.Jaswinder Kaur, Naib Tehsildar Mamdot appeared and informed that she had just joined as Naib Tehsildar on 29.11.2021 and the delay had occurred on the part of the earlier PIO. The PIO was directed to comply with the earlier order of the Commission which still stands and provide information and pay the compensation amount to the appellant by way of a demand draft. The PIO was also directed to send details of **all the PIOs deputed** at Mamdot (Name of PIO/Date of posting/date of relieving charge/present posting) from the date of filing of RTI application till date.

On the date of **hearing on 04.04.2022**, the appellant informed that the PIO has neither supplied the information nor has paid compensation as per order of the Commission.

The PIO also did not file reply to the show cause notice. Smt.Jaswinder Kaur, Naib Tehsildar Mamdot informed that Sh.Neeraj Kumar was the PIO when the RTI application was filed and at the time of issue of show cause notice till 19.07.2021 (show cause was issued on 28.06.2021) and Sh.Neeraj Kumar has now been transferred and posted at Dhar Kalan, District Pathankot.

Since the responsibility to ensure the timely transmission of correct information to the appellant lies on the PIO, and as per information, Sh.Neeraj Kumar was the PIO when the RTI application was filed and at the time of issue of show cause notice, Sh.Neeraj Kumar-PIO-Naib Tehsildar, Mamdot (now transferred and posted as Naib Tehsildar Dhar Kalan, Distt. Pathankot) was held guilty for not providing the information on time as prescribed under section 7, and repeatedly defying the orders of the Commission.

Further Sh.Neeraj Kumar, PIO-Naib Tehsildar Mamdot also failed to provide information in complaint case No.114 of 2021 as well as not filed reply to the show cause notice even providing sufficient opportunity to file reply to the show cause notice, which implied that that the PIO has nothing to say on the matter.

Hence, a penalty of **Rs.25,000/-** was imposed on the Sh.Neeraj Kumar, PIO-cum-Naib Tehsildar Mamdot (Now transferred and posted as Naib Tehsildar Dhar Kalan, Distt.Pathankot) in both complaint cases(CC-113 & CC-114 of 2021) with the direction to deposit the same in Govt. Treasury and submit a copy of the challan as evidence of depositing the penalty in the Govt Treasury.

The present PIO-cum-Naib Tehsildar Mamdot was also given one last opportunity to comply the earlier order of the Commission and provide compensation amount to the complainant by way of a demand draft otherwise the Commission will be constrained to mark the case to the higher authority for disciplinary action against the PIO under section 20(2) of the RTI Act 2005.

On the date of hearing on **28.06.2022**, both the parties were absent. Reply to the show-cause had been sent after the pronouncement of the order. The opportunity to reply to the show-cause was not availed in spite of repeated opportunities. Plea was rejected. The PIO was directed to come up for compliance.

On the date of last hearing on **20.09.2022**, the appellant claimed that the PIO has neither provided the information nor has paid the compensation amount.

The respondent was absent. The Commission received a letter alongwith a copy of challan through email from the PIO-Naib Tehsildar Mamdot that the compensation amount has been deposited in the Govt. Treasury and has sent a copy of challan to the Commission.

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The PIO had wrongly deposited the amount of Rs.5000/- in the treasury since as per order of the Commission, the compensation was to be paid to the complainant by way of a demand draft. The PIO was directed to pay the compensation amount to the complainant by way of a demand draft to be issued from the account of public authority and send a copy of same to the Commission.

Sh.Neeraj Kumar-Naib Tehsildar Dhar Kalan, Distt.Pathankot (Earlier PIO-cum-Naib Tehsildar, Mamdot) was also absent nor had deposited the amount of the penalty since no proof of having deposited the penalty in the Govt. Treasury has been received.

Sh.Neeraj Kumar (earlier PIO-Naib Tehsildar, Mamdot) was given one last opportunity to comply with the order of the Commission, and deposit the penalty amount in the Govt. Treasury and send a copy of the challan as proof of having deposited the same.

Hearing dated 29.11.2022:

The case has come up for hearing today through video conferencing at DAC Ferozepur. Both parties are absent. Sh.Neeraj Kumar (Earlier PIO-Naib Tehsildar Mamdot) has sent a copy of challan through whatsapp as a proof of having deposited the penalty amount of Rs.25000/- in the Govt Treasury which has been taken on record.

However, the current PIO-Naib Tehsildar has not sent any document regarding the payment of compensation to the appellant by way of the bank draft.

The current PIO-Naib Tehsildar Mamdot is directed to comply with the earlier order of the Commission which still stands and send proof of having paid the compensation amount of Rs.5000/- to the appellant.

With the above order, the case is **disposed of and closed**.

Chandigarh
Dated :29.11.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to :1. Sh.Neeraj Kumar, Naib Tehsildar,
DC Office Ferozepur.