



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. 114 of 2021

PRESENT: None for the Complainant
None for the Respondent

ORDER:

The complainant through RTI application dated 26.11.2020 has sought information regarding the name of officers present during the demarcation of the land of village Lakha Singh Wala bearing khewat No.393 by revenue department on 07.08.2020 relating to unauthorized mining – a copy of rule under which patwari signed the demarcation report and submitted to Mining Officer Ferozepur – a copy of demarcation report of village Lakha Singh Wala from 01.01.2020 to 01.11.2020 along with maps – a copy of movement register - name & address of the owners of land present during demarcation and other information as enumerated in the RTI application from the office of Tehsildar Ferozepur which transferred the same to Naib Tehsildar Mamdot, Distt. Ferozepur u/s 6(3) of the RTI Act. 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 the first hearing on 28.06.2021, the complainant claimed that the PIO had not provided the information.

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

On the date of hearing on **25.08.2021**, as per the appellant, the information was not provided 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.

Since the PIO-Naib Tehsildar Mamdot, District Ferozepur was flouting the spirit of the RTI Act continuously and not appearing before the commission despite various orders, to secure a nerring PIO's presence before the commission,ailable warrants of the PI-Naib Tahsildar, Mamdot were issued Under Section 18(3) of the RTI Act through Senior Superintendent of Police, Ferozepur for his presence before the Commission on 27.10.2021.

On the date of the hearing on **27.10.2021**, the appellant informed that he had filed an RTI application on 26.11.2020 with the office of Tehsildar Ferozepur who transferred the same to Naib Tehsildar Mamdot. The Naib Tehsildar Mamdot further marked the same to Kanoongo on 03.12.2020. The Kanoongo called the appellant on 22.12.2020 and informed that the RTI had been lost and asked for a fresh copy of the RTI application which was again handed over to the Kanoongo Sh.Santokh Singh. However, no information has yet been provided by the PIO.

Complaint Case No. 114 of 2021

The respondent was again absent nor had sent any reply to the show cause notice as well as not provided the information.

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 to provide the information. 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.10,000/-** via demand draft through Govt. Treasury 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.

On the date of 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.

The respondent present pleaded that she had just joined as Naib Tehsildar Mamdot 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 PIOs deputed at Mamdot (Name of PIO/Date of posting/date of relieving charge/present posting) from the date of filing of RTI application to date.

On the date of the hearing on 04.04.2022, the complainant informed that the PIO has neither supplied the information nor has paid the compensation amount 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 Sh.Neeraj Kumar, PIO-Naib Tehsildar Mamdot also failed to provide information in complaint case No.113 of 2021 as well as not filed a reply to the show cause notice even after being provided sufficient opportunity, Sh.Neeraj Kumar, PIO-cum-Naib Tehsildar Mamdot (Now transferred and posted as Naib Tehsildar Dhar Kalan, Distt. Pathankot) was being penalized in both complaint cases(CC-113 & CC-114 of 2021).

However, since the present PIO-cum-Naib Tehsildar Mamdot failed to pay the compensation amount to the complainant, the present PIO was given one last opportunity to comply with the earlier order of the Commission and provide the 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 last 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.

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.

Complaint Case No. 114 of 2021

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 the challan to the Commission.

The PIO had wrongly deposited the amount of Rs.10,000/- in the treasury, since, as per the 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 account of public authority and send a copy of same to the Commission.

Hearing dated 29.11.2022:

The case has come up for hearing today through video conferencing at DAC Ferozepur. Both the parties are absent.

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

The 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.10000/- 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.