

Shri Bhajan Dass S/o Shri Goma Ram
VPO Bhagwanpura, Malout
Distt. Sri Muktsar Sahib

... Appellant

Versus

Public Information Officer,
O/o The Panchayat Secretary
Gram Panchayat,
Water Supply Committee,
Malout, Distt. Sri Muktsar Sahib

First Appellate Authority
O/o The Executive Engineer,
Punjab Water Supply & Sanitation
Malout, Distt. Sri Muktsar Sahib

...Respondent

Appeal Case No. 1255 of 2021

PRESENT: None for the Appellant
Sh.Jatinder Singh, Suptd. for the Respondent

ORDER:

The appellant, through an RTI application dated 23.10.2020 has sought information regarding income received in the year 2019-2020 & 2020-21 from the land given to water works out of total land measuring 26 kanal 6 marka bearing khewat No.843/752 khatauni No.1389 kila No.8(1-18)9(7-14) 12(8-0)13(8-14) situated in village Bhagwanpura HB No.154 owned and held by Gram Panchayat - details of action – details of present cultivator as enumerated in the RTI application from the office of Xen, Water Supply & Sanitation Division, Malout. The appellant was not provided the information after which the appellant filed a first appeal before the First Appellate Authority on 22.12.2020, which did not decide on the appeal.

The case was earlier heard by Sh.Sanjiv Garg, State Information Commissioner on 24.05.2021, 16.08.2021, 08.11.2021 17.01.2022, 18.04.2022 & 11.07.2022.

On the date of hearing on 24.05.2021, the respondent was absent nor had provided the information. The PIO-Xen Water Supply & Sanitation Division Malout was issued a **show cause notice** and directed to appear personally on the next date of hearing alongwith reply to the show cause notice. On the date of hearing on 16.08.2021, Sh.Abhijit Singh, JE appeared on behalf of respondent and informed that the information relates to Gram Panchayat, Water Supply Committee, Bhagwanpura and the appellant was intimated about the fact on 02.03.2021.

Since the RTI application was not transferred by the PIO to the concerned office under section 6(3) of the RTI Act, the PIO-Xen Water Supply & Sanitation Division, Malout was directed to procure the information from the concerned department and provide to the appellant. On the date of hearing on 08.11.2021, the respondent was absent nor had complied the order of the Commission to provide the information as well as not filed reply to the show cause notice, the PIO-Xen Water Supply & Sanitation Division, Malout was **penalized for Rs.10000/-** to be deposited in the Govt Treasury and to comply the order of the Commission to provide information by procuring from the concerned office.

On the date of hearing on 17.01.2022, none was present on behalf of the PIO nor the information was provided as per the counsel for the appellant. However, after examining the documents, it emerged that the penalty was imposed upon the PIO-Xen Water Supply & Sanitation Division, Malout whereas the information was related to the office of Gram Panchayat Water Supply Committee, Bhagwanpura, hence the order dated 08.11.2021 passed by the Commission through which a penalty of **Rs.10000/- was imposed, was withdrawn**. A copy of the order was sent to BDPO-Malout and DDPO Sri Mukatsar Sahib to ensure compliance of the order and to ensure presence of the PIO on the next date of hearing.

On the date of hearing on 18.04.2022, the respondent PIO of Gram Panchayat Water Supply Committee was absent. Since the Gram Panchayat come under the office of BDPO, Malout, the PIO-BDPO was impleaded in the case and a copy of order was sent to him alongwith copy of RTI application with the direction to supply the required information. A copy of the same was sent to ADC Sri Mukatsar Sahib, BDPO Malout and DDPO Sri Mukatsar Sahib with the direction to ensure compliance of the order alongwith a copy to PIO-O/o Xen Water Supply & Sanitation Division, Malout for information.

On the date of the last hearing on 11.07.2022, the respondent was absent. The PIO-Gram Panchayat and BDPO were given one last opportunity to supply the complete information and appear before the Commission on the next date of hearing.

The case has come up for **hearing today before this Bench** through video conferencing at DAC Sri Mukatsar Sahib. The respondent present from the office of BDPO Malout informed that the information has been sent to the appellant vide letter dated 12.07.2022.

The appellant is absent and vide email through his counsel, has informed that the PIO has not supplied the information.

The respondent is directed to bring the complete record/information to the Commission on the next date of hearing.

Also, if the appellant wants to pursue the case for information, the appellant be present at the next hearing.

To come up for further hearing on **11.01.2023** at 11.00 at Chandigarh.

Chandigarh
Dated: 10.11.2022

Sd/-
(Khushwant Singh)
State Information Commissioner