



Sh Nitin Kumar,
290, Basti Baba Khel,
Jalandhar.

... Appellant

Versus

Public Information Officer,
O/o District Social Justice and Empowerment Officer,
Jalandhar.

First Appellate Authority,
O/o Director,
Social Justice and Empowerment Officer,
Sector-17, Chandigarh.

Respondent

Appeal Case No. 1428 of 2021

PRESENT: Sh.Nitin Kumar as the Appellant
Sh.Lakhwinder Singh, PIO- for the Respondent

ORDER:

The appellant, through an RTI application dated 11.12.2020 has sought information on 07 points regarding the number of applications received for the shagun scheme in the years 2018 & 2019 – applications received directly and through Suvidha Kendra – payments made and pending – reasons for pending cases and other information as enumerated in the RTI application from the office of Director Social Justice and Empowerment Officer, Pb Chandigarh. The appellant was not provided with the information provided after which the appellant filed the first appeal before the First Appellate Authority on 23.01.2021, which took no decision on the appeal.

The case first came up for hearing on 14.09.2022 through video conferencing at DAC Jalandhar. The respondent present informed that the information has been supplied to the appellant.

The appellant claimed that he received the information only on 25.08.2021 with a delay of more than eight months. The appellant was also not satisfied with the information on point-3 and stated that the claim of the PIO(that the entire payment to eligible beneficiaries has been made and no payment is pending) is not true since the payment of one of his relatives is still not released.

Hearing both the parties, the PIO was directed to file an affidavit that the entire payment to all eligible beneficiaries (for the years 2018 & 2019 up to March 2021) has been made and no payment is pending.

Since there has been a delay of more than eight months in attending to the RTI application, the PIO was issued a **show cause notice under Section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed time and directed to file reply on an affidavit.**

On the date of last hearing on **28.07.2022**, the appellant claimed that the PIO has not provided the affidavit despite the Commission's interim order at the previous hearing.

The respondent present pleaded that the District Welfare Officer, Jalandhar, has already submitted a self-declaration on 22.11.2021, which was sent to the Commission vide letter dated 22.11.2021, stating therein that under the Shagun scheme, payment to beneficiaries has been made up to March 2021 through DBT Mode, and no payment to the beneficiaries whose cases were recommended for payment by the Tehsil Social Justice & Empowerment Officer, Jalandhar.

Having gone through the case file, the Bench observed that the PIO was taking the orders of the Commission very casually and had not bothered to file the reply to the show cause notice, which means that the PIO has nothing to say on the matter regarding the delay in providing the information.

PIO, **Shri Lakhwinder Singh, District Welfare Officer, Jalandhar**, was held guilty of default on the above score. Hence, in exercising the powers conferred by Section 20(1) of the RTI Act, 2005, **a penalty to the tune of Rs. 10,000/- (Rupees Ten thousand only)** was imposed upon the PIO, to be deducted from his salary which is to be deposited in the State Treasury under the relevant head. An attested copy of the receipted challan was also directed to be presented before the Commission on the next date of hearing.

The Bench also found full justification in awarding the appellant a suitable compensation. Therefore, exercising the powers conferred by Section 19(8)(b) of the RTI Act, 2005, **compensation of Rs.5000/- was awarded to the appellant**, to be paid by the Public Authority from the treasury through a Bank Draft, within 30 days and confirmation to this effect will be furnished to the Commission.

Hearing dated 30.11.2022:

The case has come up for hearing today through video conferencing at DAC Jalandhar. The appellant claims that the PIO has neither provided the affidavit nor paid the compensation.

The Commission has received a copy of the letter from the PIO dated 25.11.2022 alongwith a copy of the order of the Hon'ble High Court dated 14.10.2022, which has been taken on record. As per order of the Hon'ble High Court, the payment of the fine has been stayed and next date of hearing is 16.12.2022.

Since a stay order has been passed on the recovery of penalty by the Hon'ble High Court, the case is adjourned.

The case is adjourned. To come up on **28.02.2023** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Jalandhar.

Chandigarh
Dated:30.11.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

Copy to : Shri Lahwinder Singh,
District Welfare Officer, Jalandhar