



Sh Mohit Bansal, H No-189,
C/o Bansal Provision Store,
Village Adial, P.O Shapurkandi Township,
Tehsil Pathankot, Shahpur, Pathankot.

... Appellant

Versus

Public Information Officer,
O/o Director of Ayush,
Pb, Sector-11-D, Chandigarh.

First Appellate Authority,
Director Ayurveda –
Pb, Pb, Sector-11-D, Chandigarh.

...Respondent

Appeal Case No. 2743 of 2021

PRESENT: Sh.Mohit Bansal for the Appellant
Sh.Ravi Kumar, PIO for the Respondent

ORDER:

The appellant, through an RTI application dated 14.01.2021, has sought information regarding manufacturer Divya Upchar Sansthan, Zirakpur – a copy of manufacture licence No. allotted – a copy of sample reports of Drug named as Divya kit sold/manufactured –a copy of approval granted by the state authority to sell the kit – a copy of the license to manufacture for the sale of ayurvedic – a copy of sample report of product and other information as enumerated in the RTI application concerning the office of Director of Ayush, Pb Chandigarh. The appellant was not provided with the information, after which the appellant filed a first appeal before the First Appellate Authority on 19.02.2021 which did not decide on the appeal. After filing the first appeal, the PIO sent a reply to the appellant on 16.03.2021, to which the appellant was not satisfied and filed 2nd appeal in the Commission.

The case first came up for hearing on 11.01.2022 through video conferencing at DAC Pathankot/ Chandigarh. The appellant claimed that the PIO had not supplied the information.

The respondent was absent. There has been an enormous delay of more than ten months in providing the information. The PIO was issued a **show cause notice under section 20 of the RTI Act 2005 for not properly handling the RTI application and secondly for not supplying the information within the statutorily prescribed period of time and directed to file reply on an affidavit.** The PIO was again directed to provide information to the appellant within 15 days of the receipt of the order.

On the date of the hearing on **30.05.2022**, the appellant claimed that the PIO has not provided accurate information.

The respondent present informed that no approval/license had been granted to Divya Keet Products by the State Licensing Authority Punjab and the reply has been sent to the appellant vide letter dated 07.01.2022. The respondent further informed that he had since joined as PIO w.e.f. 08.03.2022 and Sh.Brahmjot Singh was the PIO when the RTI application was filed, and show cause was issued.

The Commission received a reply from the PIO on 29.03.2022 which was taken on record. In the said reply, it was mentioned that Sh.Brahmjot Singh, PIO-RTI Branch (Ayurvedic Department) has been relieved from this post on 08.03.2022 and Sh.Ravi Kumar has been posted as PIO in his place. Further, since the information relates to their Drug Branch, the information after collecting from them, has been sent to the appellant vide letter dated 07.01.2022.

The Commission was not satisfied with the reply of the PIO since the RTI application was filed on 14.01.2021 but the reply was sent on 07.01.2022 with a delay of more than one year.

Since the responsibility to ensure the timely transmission of the information to the appellant lies on the PIO, and as per respondent, Sh.Brahmjot Singh, GAD Nadiali (SAS Nagar) was the PIO when the RTI application was filed till 17.10.2021 and on the date of issue of show cause notice, Sh.Brahmjot Singh, GAD Nadiali (SAS Nagar), was held guilty for not providing the information on time as prescribed under section 7, a penalty of **Rs.10,000/-** was imposed on the Sh.Brahmjot Singh, GAD Nadiali (SAS Nagar), with the direction to submit a copy of the challan as evidence of depositing the penalty in the Govt Treasury.

The PIO- Director of Ayush Punjab, Chandigarh, was also directed to pay an amount of **Rs.5000/-** via demand draft through Govt. Treasury as compensation to the appellant and submit proof of having compensated the appellant.

On the date of last hearing on **16.06.2022**, the appellant informed that the PIO has not paid the compensation amount.

The respondent present informed that the earlier PIO has been relieved and Sh.Ravi Kumar has just joined as the new PIO.

Since the order had already been passed, Sh.Brahmjot Singh was given one more opportunity to comply with the Commission's order to deposit penalty amount in the Govt Treasury and submit a copy of the challan as a proof of having deposited the penalty. The present PIO was also directed to pay the compensation amount to the appellant and submit proof of having compensated the amount to the appellant.

Hearing dated 03.10.2022:

The case has come up for hearing today through video conferencing at DAC, Pathankot. The respondent present pleaded that the penalty amount of Rs.10000/- has been deposited in the Govt treasury and submitted a copy of the challan which has been taken on record. The respondent has brought a demand draft of Rs.5000/- favouring Mohit Bansal dated 23.09.2020 and submitted in the Commission.

Since the penalty has been deposited in the Govt treasury and a demand draft of Rs.5000/- being the compensation amount to be paid to the appellant has been received, no further interference of the Commission is required. The demand draft No.749933 dated 23.09.2022 drawn on SBI is being sent to the appellant alongwith the order and a copy of the same is retained for record.

The case is **disposed of and closed**.

Chandigarh
Dated: 03.10.2022

Sd/-
(Khushwant Singh)
State Information Commission