



Sh Yashpal Kundal,  
R/o Village Lohgarh Kothe,  
P.O & Tehsil Dinanagar,  
Distt Gurdaspur.

..... Appellant

Versus

Public Information Officer,  
O/o District Food and Supply Controller,  
Gurdaspur.

First Appellate Authority,  
O/o Deputy Director,  
Food Supply Field Jalandhar Division,  
Jalandhar.

...Respondent

**Appeal Case No. 2779 of 2021**

**PRESENT:   None for the Appellant**  
**Ms.Ritu Mahajan, AFSO for the Respondent**

**ORDER:**

The appellant, through an RTI application dated 17.11.2020, has sought information regarding blue cards issued in village and city Dinanagar under FSO Smt.Ritu Mahajan from 01.04.2017 to 30.09.2020 and other information as enumerated in the RTI application concerning the office of District Food Civil Supply Controller, Gurdaspur. The appellant was not satisfied with the reply of the PIO dated 08.01.2021, after which the appellant filed a first appeal before the First Appellate Authority on 15.01.2021, which did not decide on the appeal.

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

The respondent was absent. Since the reply of the PIO dated 08.01.2021 was not in tandem with the sought information, 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 was again directed to relook at the RTI application and provide information to the appellant within 15 days of receiving the order.

On the date of the hearing on **30.05.2022**, due to the non-working of the VC at DAC Gurdaspur, the hearing could not take place.

The Commission received a letter dated 25.03.2022 through email from the PIO stating that in compliance with the order of the Commission, complete information has been supplied to the appellant vide letter dated 14.03.2022, and the appellant has acknowledged having received the information. The respondent also sent a copy of the appellant's acknowledgement, which was taken on record.

The PIO, however, did not file a reply to the show cause notice. The PIO was given one last opportunity to file a reply to the show cause notice; otherwise, it will be presumed that the PIO has nothing to say on the matter, and the Commission will proceed as per the provisions of section 20 of the RTI Act.

On the date of last hearing on **16.06.2022**, the Commission received a reply to the show cause notice from the PIO, which was taken on record. The Commission was not satisfied with the show-cause reply as there is no real evidence on the reasons for the delay in providing the information. As per the record, the RTI application was filed on 17.11.2020, whereas the

information had been supplied to the appellant on 14.03.2022 with a delay of more than one year and two months. Moreover, the reply was from the AFSSO and not from the PIO.

As per the respondent, the following were the PIOs from the date of filing of RTI application:

Name of PIO	Period of stay	Present posting
- Sh.Himanshu Kakkar	26.03.2020 to 01.04.2021	Hoshiarpur
- Sh.S.Devgan	07.04.2021 to 16.09.2021	Head Office Chandigarh
- Sh.Himanshu Kakkar	17.09.2021 to 05.10.2021	Hoshiarpur
- Sh.Sanjay Sharma	06.10.2021 to 09.04.2022	Head Office Chandigarh
- Sh.Sukhjinder Singh	10.04.2022 to 06.06.2022	Sri Mukatsar Sahib
- Sh.Gurpreet Singh Kang	06.06.2022 till date	

From the above, it was clear that Sh. Himanshu Kakkar was the PIO when the RTI application was filed (17.11.2020), and the violation of section 7 of the RTI Act took place during his term as the PIO. Sh.Himanshu Kakkar-PIO-cum-DFSC Hoshiarpur(earlier PIO-cum-DFSC Gurdaspur) was issued a **show cause under section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time and directed to file reply on an affidavit.**

Further Sh.Sanjay Sharma was the PIO (from 06.10.2021 to 09.04.2022) when the show cause was issued on 11.01.2022, but did not file a reply to the show cause notice. Sh.Sanjay Sharma is given one last opportunity to file a reply to the show cause notice.

**Hearing dated 03.10.2022:**

The case has come up for hearing today through video conferencing at DAC Gurdaspur. The respondent informed that Sh.Himanshu Kakkar and Sh.Sanjay Sharma has sent their reply to the Commission through email.

Sh.Himanshu Kakkar and Sh.Sanjay Sharma are absent. The Commission has received a reply of Sh.Himanshu Kakkar, PIO-cum-DFSC Hoshiarpur(earlier PIO-cum-DFSC Gurdaspur) and reply of Sh.Sanjay Sharma which has been taken on record.

Sh.Himanshu Sharma in his reply stated since the information related to AFSSO Dinanagr, the RTI application was forwarded to them on 09.12.2020. The AFSSO Dinanagar asked the appellant to deposit a fee of Rs.9500-10000 for 4800-5000 pages vide letter dated 08.01.2021, thereafter, the deponent transferred to Ferozepur on 01.04.2021 and that AFSSO Dinanagar was also in charge of distribution seat in Distt.office Gurdaspur. Further Department of Food and Supply was given the duty to distribute food items to the poor in Pandemic Covid-19, curfew passes to shopkeepers apart from other basic administrative functions, hence the information was delayed.

Sh.Sanjay Sharma has mentioned in the reply that the complete information was provided to the appellant on 14.03.2022 during his tenure, however, could not file a reply to the show cause notice being engaged in election duty in the 2022 assembly election (appointed as Liaison Officer to Hon'ble Election Commission of India). Further, the Rabi season was commenced from 01.04.2022 and the deponent being the nodal officer of State Procurement Agencies in the district got busy in making arrangements, co-ordination amongst agencies.

The case is adjourned. To come up for further hearing on **16.11.2022 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Gurdaspur.