



Sh Kamalpreet Singh,
134, Basant City, Threekay,
P.O Pakhowal Road, Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o Public Analyst,
Food and Drug Testing Laboratory,
Kharar.

First Appellate Authority,
O/o Public Analyst,
Food and Drug Testing Laboratory,
Kharar.

...Respondent

Appeal Case No. 2843 of 2021

PRESENT: Sh.Kamalpreet Singh as the Appellant
Sh.Pankaj Sareen (SO) and Sh.Avnish Kumar, MLT Gr-2 for the Respondent

ORDER:

The appellant through RTI application dated 19.03.2021 has sought information regarding copies of stock book register pages from 2014-15 till 18.03.2021 of Laboratory Chemicals of LR, AR and HPLC grade in all packings/specifications for Silver Nitrate, acetonitrile, N-Hexane, Potassium Iodide, Glycerol and others that have been received in the office of Public Analyst, Food & Drug Testing Lab Kharar from the office of Civil Surgeons of Moga, Muktsar, Bathinda, Kapurthala, Bathinda – a copy of standard guidelines received from NABL Gurgaon and other information as enumerated in the RTI application from the office of Principal Secretary, Food and Civil Supplies and Consumer Affairs, Pb, Chandigarh. The appellant was not provided with the information after which the appellant filed a first appeal before the First Appellate Authority on 05.05.2021, which took no decision on the appeal.

The case last came up for hearing on 16.12.2021 through video conferencing at DAC Ludhiana. As per the appellant, the PIO had not supplied the information.

As per the respondent, the information was sent to the appellant vide letter dated 06.12.2021 with a copy of the letter to the Commission.

Having gone through the record, the Commission observed that there has been an enormous delay of more than eight months in attending to the RTI application. The Commission having taken a serious view of this, issued a **show cause notice to the PIO under section 20 of the RTI Act 2005 for not transferring the RTI application in a proper way and secondly for not supplying the information within the statutorily prescribed period of time. The PIO was directed to file reply on an affidavit.**

A copy of the reply was sent to the appellant with the direction to point out the discrepancies to the PIO and the PIO was directed to remove the same.

On the date of last hearing on **27.09.2022**, the respondent informed that the information has already been provided to the appellant vide letter dated 06.12.2021 and on 27.05.2022 and no further information is available in the record.

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The appellant claimed that the information is incomplete.

Hearing both parties, the PIO was directed to provide an affidavit that the information that has been provided is true, and complete and no further information is available in the record relating to this RTI application.

Regarding the show cause notice, the Commission received a reply on 10.02.2022, which was taken on record. However, the reply was not from the PIO. The PIO was also absent.

Since the responsibility to ensure the timely transmission of the information to the appellant lies on the PIO, the PIO O/o Public Analyst, Food and Drug Laboratory, Kharar was held guilty for not providing the information on time and failed to file reply, a penalty of **Rs.10,000/-** was imposed on the concerned PIO O/o Public Analyst, Food and Drug Laboratory, Kharar, to be deposited in the Govt. Treasury. The PIO was directed to duly inform the Commission about the compliance of the orders by producing a copy of the challan as evidence of depositing the penalty in the Govt Treasury.

Hearing dated 30.11.2022:

The case has come up for hearing today through video conferencing at DAC Ludhiana. The appellant claims that the PIO has not supplied the complete information on point-3(a).

The respondent present pleaded that the available information has already been provided and no further information is available in the record and that an affidavit has also been filed in the Commission.

The respondent has also submitted a copy of the challan as proof of having deposited the amount of penalty in the Govt treasury on 17.11.2,022, which has been taken on record.

Since the affidavit has been filed and the penalty has been deposited, no further interference from the Commission is required.

The case is **disposed of and closed**. Since the appellant is someone who comes regularly to the commission due to many pending appeals, the appellant has desired that he may be allowed to collect the original affidavit from the Commission's office on any working day. Permission granted.

Chandigarh
Dated: 30.11.2022

Sd/-
(Khushwant Singh)
State Information Commissioner