



Sh Balram S/o Sh Ram Narain,
R/o Village Dharampura,
Tehsil Abohar, Distt Fazilka.

... Appellant

Versus

Public Information Officer,
O/o Director,
Health & Family Welfare,
Sector-34, Chandigarh.

First Appellate Authority,
O/o Secretary,
Health & Family Welfare,
Sector-34, Chandigarh.

...Respondent

Appeal Case No. 340 of 2022

PRESENT: Sh.Balram as the Appellant
Sh.Gurmeet Singh O/o Civil Surgeon, Fazilka for the Respondent

ORDER:

The appellant through an RTI application dated 20.09.2021 has sought information on 06 points regarding copy of application dated 08.06.2021 filed for reinvestigation of the enquiry on the complaint filed against Dr.Aman Nagpal of Civil Hospital Abohar –copy of letter vide which the enquiry was marked to the enquiry officer – notice issued to both parties by enquiry officer – statement of both parties- statement of witnesses of Dr.Aman Nagpal – copyof enquiry report as enumerated in the RTI application concerning the office of Director Health and Family Welfare, Pb Chandigarh. The appellant was not satisfied with the reply of the PIO dated 30.09.2021 (vide which the PIO provided information relating to point 1 & 2 and transferred the RTI application to Civil Surgeon Fazilka for information relating to point 3 to 6) after which the appellant filed a first appeal before the First Appellate Authority on 26.10.2021 which took no decision on the appeal.

The case first came up for hearing on 28.06.2022 through video conferencing at DAC FAzilka. As per the appellant, the PIO has not supplied the complete information.

The respondent present pleaded that the information on point-1 & 2 has been provided by the office of Director Health & Family Welfare, Pb, Chandigarh. Regarding points 3 to 6, the RTI application was transferred to them by the office of DHS Punjab. The respondent further informed that since Dr.Sudhir Pathak who was to provide the information has retired last year no enquiry was conducted since no SMO was posted. Now a Committee has been constituted and the enquiry is pending.

Hearing both the parties, the PIO-Civil Surgeon Fazilka was directed to provide the information relating to points 3 to 6 and if the information is not available, to give in writing on an affidavit. The case was adjourned.

On the date of last hearing on **13.09.2022**, the appellant claimed that the PIO has not supplied the information.

The respondent was absent. The PIO was given one more opportunity to comply with the earlier order of the Commission, which still stands, and directed to provide complete information. If the information is not available, the PIO to file an affidavit that no enquiry has been conducted during the period when the RTI application was filed.

Hearing dated 06.12.2022:

The case has come up for hearing today through video conferencing at DAC Fazilka. The appellant claims that the PIO has neither provided the information nor any affidavit as per the order of the Commission.

The respondent claimed that the affidavit will reach the appellant within two hours, which the bench observes is making a mockery of the RTI Act and the orders of the commission, which were duly passed 28.06.2022 and again on 13.09.2022.

This clearly indicates the lackadaisical attitude of the public authority in question, as a result of which the complainant has had to suffer undue inconvenience to get the information.

This is a fit case for awarding compensation to the appellant u/s 19(8)(b) of the RTI Act. Hence the PIO- Civil Surgeon, Fazilka, is directed to pay an amount of **Rs.5000/-** via demand draft through Govt. Treasury as compensation to the appellant for the loss and detriment suffered by him of having to file the appeals and not getting information in time. The PIO-Civil Surgeon is directed to duly inform the commission of the compliance of the order and submit proof of having compensated the appellant.

To come up for compliance on **07.02.2023 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner Fazilka.

Chandigarh
Dated: 06.12.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to PIO-Civil Surgeon, Fazilka.