

Complaint Case No. 402 of 2021

Hearing dated 22.11.2022:

The case has come up for hearing today through video conferencing at DAC Gurdaspur. The complainant informed that he has received the compensation amount, but the PIO has not supplied the complete information.

The Commission has received a reply from Shri Himanshu Kakkar, which has been taken on record. In the reply, it is mentioned that Shri Kakkar remained posted at Gurdaspur from 26.03.2020 to 31.03.2021 and again from 17.09.2021 to 05.10.2021.

That the RTI application was received in the office of DFSC Gurdaspur and the deponent directed the concerned AFSO on 18.02.2021 to take necessary action thereafter. That the deponent was transferred from Gurdaspur to Ferozpur. On 31.03.2021. It has further been mentioned in the reply that the information has already been provided to the appellant.

I have gone through the reply and find the following-

That the RTI application was filed on 07.12.2020 during the tenure of Himanshu Kakkar (26.03.2020 to 31.03.2021), and forwarded to the concerned DFSC to provide information on 18.02.2021, more than two months after receiving the RTI application.

That the RTI application was merely forwarded and not transferred under section 5(5) of the RTI Act (Any officer, whose assistance has been sought under sub-section (4), shall render all assistance to the Central Public Information Officer or State Public Information Officer, as the case may be, seeking his or her assistance and for the purposes of any contravention of the provisions of this Act, such other officer shall be treated as a Central Public Information Officer or State Public Information Officer, as the case may be), which alludes that the responsibility lay on the PIO and not the AFSC to provide the information.

That the information was sent to the complainant only on 18.08.2021.

Since the responsibility to ensure the timely transmission of the information (within thirty days) lies on the PIO, the violation under Section 7 has occurred at the end of Sh.Himanshu Kukkar, who was the PIO, when the RTI application was filed (now transferred and posted at Fazilka). Thereby he is held guilty for not providing the information on time as prescribed under section 7, which is within 30 days of the receipt of the request.

Hence, given the above facts a penalty of **Rs.10,000/-** is imposed on the Sh.Himanshu Kukkar, PIO-cum-DFSC Gurdaspur (now posted at Fazilka), which will be deposited in the Govt. Treasury. The PIO is 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.

The case is adjourned. To come up for compliance on **11.01.2023 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Gurdaspur.

Chandigarh
Dated: 22.11.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

Copy to :
Sh Himanshu Kukkar,
Public Information Officer,
O/o the DFSC, Gurdaspur.
Now posted at Fazilka.



Sh Avtar Singh, S/o Lt Sh Diwan Singh,
VPO Khokhar Faujian,
Tehsil Batala, Distt Gurdaspur.

... Complainant

Versus

Public Information Officer,
O/o AFSO,
Batala, Distt Gurdaspur.

...Respondent

Complaint Case No. 402 of 2021

PRESENT: Sh.Avtar Singh as the Complainant
Sh.Managalpreet Singh Inspector the Respondent

ORDER:

The complainant, through an RTI application dated 07.12.2020 has sought information regarding the list of beneficiaries for distributing wheat @Rs.2/- per kg – eligible persons to avail benefits on a single card – order of the Govt for depot holders to distribute wheat at the residence of the sarpanch of the village – order/circular of the Govt to retain the bills by depot holder issued through e-POS and other information as enumerated in the RTI application from the office of AFSO Batala. The complainant was not provided with the information provided, after which the complainant filed a complaint in the Commission on 31.03.2021.

The case came up for hearing first on 15.09.2022 through video conferencing at DAC Gurdaspur. As per the respondent, the information had been supplied to the complainant on 18.08.2021.

As per the complainant, the information was incomplete and was provided with a delay of more than eight months. Since this is a complainant case and the complainant had come to the Commission without going to the First Appellate Authority, it was ordered that if the complainant is not satisfied with the provided information, he should go to the First Appellate Authority.

However, there has been an enormous delay of more than eight months in attending to the RTI application, a **show cause was issued to the PIO why penalty should not be imposed 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 the last hearing on 28.07.2022, the complainant informed that the information supplied by the respondent is incomplete.

The respondent-PIO was neither present for the hearing nor had filed a reply to the show cause notice issued during the previous hearing. Having gone through the RTI application and after going through the facts available on the record, the Commission in view of the loss and detriment suffered by the appellant during this long period in obtaining the information, awarded compensation of Rs.5000/- (Rupees five thousand only) to the complainant in exercise of the powers conferred by Section 19(8)(b) of the RTI Act, 2005, and directed to submit proof of having compensated the appellant.

The PIO, Shri Himanshu Kakkar was given the last opportunity to file a reply to the show cause notice, failing, which proceedings under section 20 of the RTI Act 2005.