

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
Ph: 0172-2864114, Email: - psicsic30@punjabmail.gov.in
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Sh Sawinder Singh, s/o Sh Bal Singh,
VPO Shutrana, Tehsil Patran,
Distt Patiala.

... Appellant

Versus

Public Information Officer,
O/o Child Development Project Officer,
Patran, Distt Patiala.

First Appellate Authority,
O/o Distt Program Officer,
Social Security Women & Child Development,
Patiala.

...Respondent

Appeal Case No. 5263 of 2021

PRESENT: Sh.Sawinder Singh as the Appellant
Sh.Rahul Arora CDPO-Doraha(Earlier PIO-CDPO Patiala) for the
Respondent

ORDER:

The appellant, through an RTI application dated 06.08.2021 has sought information regarding the list of old age pensions of village Shutrana from 01.04.2018 – the names of beneficiaries with the date of submission of OAP application – date of sanction – age as per aadhar card and voter card and other information as enumerated in the RTI application concerning the office of Child Development Project Officer, Patran, Distt.Patiala. The appellant was not satisfied with the reply of the PIO dated 17.08.2021(denied being 3rd party information) after which the appellant filed a first appeal before the first appellate authority on 16.09.2021, which did not decide on the appeal.

The case first came up for hearing on 01.06.2022. Due to some other VC relating to the DC office at DAC Patiala, the hearing could not occur. The appellant vide email informed that the PIO has not supplied the information.

The Commission received a letter from the PIO dated 24.05.2022 stating that since the information is 3rd party and the 3rd parties have not given their consent to part with their information, it cannot be provided.

On the date of the hearing on **23.06.2022**, the appellant claimed that the PIO has not supplied the information.

The respondent reiterated his earlier plea of dated 24.05.2022 that since the information is 3rd party and the 3rd parties have not given their consent to part with their information, it cannot be provided.

Having gone through the RTI application and the reply of the PIO, the Commission observed that the information that the appellant has sought does not pertain to 3rd party as stated in Section-11 of the RTI Act. Further it was a prima-facie evidence that the PIO had deliberately tried to conceal the information as well as influence the minds of the old age beneficiaries to respond in a particular way, which is not only against the spirit of the RTI Act but also against the provisions of the Act when using the exemption under section 11 of the RTI Act.”

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Hence, the PIO was issued **ashow cause notice 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 in this regard.**

The PIO was again directed to provide information on all points by invoking section 10 by severing the undisclosed information/personal information and providing the list of beneficiaries with their names, ages, and parents' name.

On the date of last hearing on **19.09.2022**, the respondent informed that the information has been provided to the appellant, and the appellant has acknowledged having received the information. The respondent also sent a copy of the acknowledgement of the appellant,, which was taken on record.

However, the PIO had not filed reply to the show cause notice issued on 23.06.2022 for not supplying the information within the statutorily prescribed time, incorrect application of section 11, and coercing the beneficiaries to say 'no' under the provisions of section 11 as well as not availed the opportunity to explain the reasons of the observations.

As per respondent, Sh.Rahul Arora was the PIO when the RTI application was filed and at the time of issue of the show cause notice (who has been since transferred and posted at CDPO Doraha, Distt.Ludhiana, Sh.Rahul Arora-CDPO-Patran (since transferred and posted at CDPO Doraha, Distt. Ludhiana) was held guilty of all the three accounts mentioned above, and a penalty of **Rs.15,000/-** was imposed on the Sh.Rahul Arora-CDPO (since transferred and posted at CDPO Doraha, Distt.Ludhiana), with the direction to deposit the penalty in the Govt. Treasury and submit a copy of the challan as evidence of depositing the penalty in the Govt Treasury.

Hearing dated 07.12.2022:

The case has come up for hearing today through video conferencing at DAC Patiala. Sh.Rahul Arora is present and has filed a reply which has been taken on record.

The case is adjourned. To come up for compliance on **28.02.2023 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Patiala.

Chandigarh
Dated: 07.12.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to:Sh.Rahul Arora,
Child Development and Project Officer,
Doraha, Distt.Ludhiana.