



Sh Rajinder Kumar, S/o Sh. Mehar  
Chand, Ward No-2, Supreme Enclave,  
Near vishvkarma Bhawan,  
Link Road, Mansa.

...Appellant

Versus

**Public Information Officer,**  
O/o Additional Secretary,  
Local Govt, Sector-35,  
Chandigarh.

**First Appellate**  
**Authority,** O/o Additional  
Secretary, Local Govt,  
Sector-35,  
Chandigarh

Respondent

t

**Appeal Case No. 1946 of 2020**

**PRESENT:** Sh. Rajinder Kumar as the Appellant  
None for the Respondent

**ORDER:**

The appellant through RTI application dated 15.06.2020 has sought information regarding cancellation of charge of council Sh. Anil Kumar Councilor Ward No.23 MC Mansa and action taken against the council and other information concerning the office of Additional Secretary, Local Govt. Punjab, Chandigarh. The appellant was not provided the information after which the appellant filed first appeal before the First Appellate Authority on 30.06.2020 which took no decision on the appeal.

The case was first heard on 02.12.2020. The appellant claimed that his RTI application dated 15.06.2020 and First Appeal dated 30.06.2020 had not been accepted by the office of the Local Government and were returned to him with the following remarks- "Refused by Under Secretary". The appellant further informed that after the issue of notice of the Commission, the appellant received a reply from the PIO on 01.11.2020 but the information was not supplied by the PIO as per the RTI application.

The Commission observed that the Under Secretary, Local Govt. Punjab had refused to accept the RTI application, the first appeal and sent a reply to the appellant only after the Commission issued a notice as well as returning the RTI applications in previous cases.

Taking a strict view on the gross violation of an act of parliament, the Commission directed the Secretary, Local Govt. Department, Punjab to enquire into the matter that why RTI applications are being refused by the Under Secretary. To submit an enquiry report to the Commission on the matter before the next date of hearing.

A copy of the RTI application was attached with the order for the PIO to relook at the application and provide the information accordingly. In case of any clarification, the PIO may contact the appellant to sort out his grievances.

**Hearing dated 01.02.2021:**

The case has come up for hearing today through video conferencing at DAC Mansa. The respondent is absent. The Commission has received a copy of letter from the PIO on 06.01.2021 stating that the information has been sent to the appellant vide letter dated 21.12.2020.

The appellant is present and informed that he has received the information (236 pages) but the same is not certified.

Since the information is voluminous ( 236 pages), I see no reasons to direct the PIO to send a fresh set of documents and waste precious paper.

Hence, the appellant is directed to send the entire set of information to the Commission and the PIO is directed to coordinate with the Commission to certify it, which will be then re-sent to the appellant.

With the above order, the case is **disposed off and closed**.

**Chandigarh  
Dated 01.02.2021**

**Sd/-  
(Khushwant Singh)  
State Information Commissioner**

**CC to: The Secretary,  
Local Govt. Punjab, Chandigarh.**

**Note: Sh. Satwinder Singh, Suptd.(LG-3) appeared late and he was apprised the status of the hearing.**



Sh.Manjit Singh, S/o Sh.Gurcharan  
Singh, Village Maanemajra,  
Tehsil Chamkaur Sahib,  
Distt.Ropar .

....Complainant

**Vs**

**Public Information Officer,**  
O/o PUDA,  
Mohali..

...Respondent

**Complaint Case No. 73 of 2020**

**PRESENT:   None for the Complainant**  
**Smt.Sarla Devi-Suptd.-PIO O/o PUDA for the Respondent**

**ORDER:**

The complainant through RTI application dated 26.11.2019 has sought information regarding head of account for posting of realization on the sale of plots by the PUDA and name of bank and other information concerning the office of PUDA Mohali. The complainant was not provided the information after which the complainant filed a complaint in the Commission on 15.01.2020.

On the date of first hearing on 23.06.2020, both the parties were absent. The case was adjourned.

On the date of hearing on **04.08.2020** the complainant was absent. The respondent was present in DC Office Mohali. The respondent pleaded that the information regarding point-1 has been sent to the complainant vide letter dated 04.08.2020 and since the information regarding point-2 related to their head office, reply was sent to the complainant.

Having gone through the record, the Commission observed that there has been an enormous delay in attending the RTI application. The PIO was issued a show cause notice **under Section 20 of the RTI Act 2005 and directed to file reply on an affidavit.**

On the date of next hearing on **16.09.2020**, both the parties were absent. The Commission received a copy of letter diary No.11284 on 04.09.2020 vide which the Accounts Officer, GMADA had sent information regarding point-2 to the complainant with a copy to the Commission and Administrative officer-cum-PIO PUDA.

The PIO however, did not send any reply to the show cause notice issued on 04.08.2020. The PIO was given one more opportunity to file reply to the show cause notice.

On the date of last hearing on 24.11.2020, the respondent present pleaded that the information has been provided to the complainant. The Complainant was absent.

The Commission received a reply from the PIO dated 09.11.2020 which was taken on the file of the Commission. In the reply, the PIO mentioned that the RTI application was received by them on 03.12.2019 and since the information was to be provided by the Chief Accounts Officer, GMADA, he was asked vide letter dated 09.12.2019 to supply the information to the complainant within 20 days but the information was provided by the Chief Account Officer on 04.08.2020.

Since there was no evidence on record to show that the PIO transferred the application under section 5 (4) but merely forwarded the letter through ordinary communication, the onus of supplying the information clearly lies on the PIO.

And since the responsibility to ensure the timely transmission of the information to the appellant lies on the PIO, the PIO-PUDA, unless transferred under section 5 (4) to seek assistance, he was hereby 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, and for repeated and willful defiance of the Punjab State Information Commission's orders.

The plea of the PIO was rejected and a penalty of **Rs.5,000/-** was imposed upon the PIO-PUDA, Mohali which was to be deposited in the Govt. Treasury. The PIO-PUDA, Mohali was directed to duly inform the Commission of the compliance of the orders by producing a copy of the challan justifying the deposition of the penalty in the Govt Treasury.

**Hearing dated 01.02.2021:**

The case has come up for hearing today through a video conference facility available in the office of **Deputy Commissioner, Mohali**.

The complainant is absent. The respondent present pleaded that the penalty amount of Rs.5000/- has been deposited in the Govt Treasury and a copy of challan has been sent to the Commission. The Commission has received a copy of challan as a proof of having deposited the amount of penalty.

Since the information has been provided and the PIO has submitted proof of having deposited the amount of penalty in the Govt Treasury, no further course of action is required. The case is **disposed off and closed**.

**Chandigarh**  
**Dated:01.02.2021**

**Sd/-**  
**(Khushwant Singh)**  
**State Information Commissioner**

Sh. Kesar Singh Sekhon,  
Flat No-104/B-5, Pb Premium Apartment,  
Sector-88, Mohali.

...Appellant

Versus

**Public Information Officer,**  
O/o GMADA,  
Mohali.

**First Appellate Authority,**  
O/o GMADA,  
Mohali

...Respondent

**Appeal case No.3720 of 2019**

**PRESENT:   None for the Appellant**  
**Sh.Gulshan Kumar, the then PIO-GMADA for the Respondent**

**ORDER:**

The appellant through RTI application dated 22.04.2019 has sought information regarding security of the Purab Premium Apartments sector 88 Mohali – contact for security, persons employed, amount incurred and other information concerning the office of GMADA Mohali. The appellant was not provided the information after which the appellant filed first appeal before the First Appellate Authority on 14.06.2019 which took no decision on the appeal.

The case was first heard on 28.01.2020. The appellant claimed that the PIO has not provided the information even after a lapse of nine months of filing the RTI application. The respondent present submitted a letter of the PIO dated 24.07.2019 whereby the PIO had asked the appellant to get the information by visiting their office on any working day.

Due to an enormous delay of nine months in providing the 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 provide the information within 15 days.

On the date of hearing on **03.03.2020**, the appellant claimed that the PIO has not provided the information. The respondent was absent nor had filed reply to the show cause notice. The PIO was given one last opportunity to provide the information to the appellant and appear before the Commission on the next date of hearing along with reply to the show cause notice on an affidavit.

On the date of last hearing on **16.09.2020**, the respondent brought the record. The appellant directed to inspect the record and get the relevant information. The PIO however, did not file any reply to the show cause notice.

The Commission observed that the appellant to collect the information had to suffer undue inconvenience, the PIO was directed to pay an amount of **Rs.2500/-** via demand draft drawn as compensation to the appellant and submit proof of having compensated the appellant.

The decision on show cause notice was to be taken on the next date of hearing.

**Appeal case No.3720 of 2019**

On the date of last hearing on **24.11.2020**, Sh.Gulshan Kumar, the then PIO appeared and informed that compensation amount of Rs.2500/- vide draft No.070227 dated 12.11.2020 has been sent to the appellant vide letter dated 16.09.2020 with a copy to the Commission.

The Commission also received an affidavit regarding reply to the show cause notice which was taken on the file of the Commission. In the said affidavit, the PIO has stated that the delay was on the part of concerned Superintendent-cum-APIO Smt.Kanwaljit Kaur and DE(PH-2) Sh.Varun Garg of Engineering Wing.

The appellant was absent. The PIO was directed to give detailed reply to the show cause notice that has been issued for delay in providing the information.

**Hearing dated 01.02.2021:**

The case has come up for hearing today through video conferring at DAC Mohali. Sh.Gulshan Kumar, then PIO is present and informed that the delay was on the part of Superintendent-cum-APIO Smt.Kanwaljit Kaur and DE(PH-2) Sh.Varun Garg of Engineering Wing since he had transferred the RTI application to the concerned APIO on 13.05.2018. As per respondent, the information has been provided and the compensation has been paid to the appellant.

The appellant is absent on 2<sup>nd</sup> consecutive hearing nor has communicated the receipt of information and compensation. It is presumed that the appellant has received the information as well as compensation and is satisfied.

Since the information has been provided and the compensation has been paid, the show cause is dropped and the case is closed.

The case is **disposed off and closed**.

**Chandigarh**  
**Dated:01.02.2021**

**Sd/-**  
**(Khushwant Singh)**  
**State Information Commissioner**