

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden, Sector 16,
Chandigarh Ph: 0172-2864114, Email: -
psicsic30@punjabmail.gov.in
Visit us: - www.infocommpunjab.com



Sh. Bhupinder Singh, S/o Sh. Gurjail
Singh, Village Bahmna Basti,
Tehsil Samana, Distt. Patiala.

...Appellant

Versus

Public Information Officer,
O/o DC, Patiala.

First Appellate Authority,
O/o Commissioner, Patiala Division,
Patiala

Respondent

Appeal Case No. 411 of 2019

PRESENT: Sh. Bhupinder Singh as the Appellant
Sh. Naveen Mittal, PIO-cum-Xen, PWD(B&R) Patiala for the Respondent

ORDER:

This order should be read in continuation to the earlier order.

The appellant through RTI application dated 04.09.2018 has sought information regarding allotment of plot for kabristhan on Khasra No.92 to 114 and 208 and construction of rest house on khasra no.115 by PWD in village and other information and other information concerning the office of DC Patiala. The appellant was not provided the information after which he filed first appeal before the First Appellate Authority on 30.10.2018 which took no decision on the appeal.

The case has already been heard on 13.03.2019, 29.07.2019, 04.11.2019, 15.01.2020, 28.05.2020, 20.07.2020, 24.09.2020 & 04.11.2020

On the date of hearing on 04.11.2019, Sh. Harbans Sharma, Advocate and Sh. Sandeep Singh, Tehsildar Samana appeared and informed that the information relating to point-2 may be available in PWD office. The PIO-PWD(B&R) was impleaded in the case and directed to provide the information within 10 days and send a compliance report to the Commission.

On the date of hearing on 15.01.2019, the PIO-PWD(B&R) was absent nor had provided the information.

On the date of hearing on 28.05.2020, the PIO-PWD(B&R) was absent. Sh. Harpreet Singh O/o PWD appeared and informed that they had not received the copy of RTI application, a copy of which was provided to him and the PIO-PWD (B&R) was directed to look at the RTI application and provide the information whatever available in the record.

On the date of hearing on 20.07.2020 and 24.09.2020, the PIO-PWD (B&R) was absent nor had complied with the order of the Commission to send the information to the appellant. The PIO-PWD(B&R), Patiala was issued a **show cause notice on 24.09.2020 under Section 20 of the RTI Act 2005 and directed to file reply on an affidavit.** The PIO was again directed to provide the information within 10 days of the receipt of the order.

On the date of hearing on 04.11.2020, the PIO-PWD(B&R), Patiala was again absent nor had filed a reply to the show cause notice.

On the date of last hearing on 01.12.2020 the PIO-PWD(B&R) was again absent nor had complied with the order of the Commission to file a reply to the show cause notice and to provide the information.

Since the PIO-PWD(B&R) was flouting the spirit of the RTI Act continuously, to secure an erring PIO's presence before the commission, a bailable warrant Under Section 18(3) of the RTI Act of the PIO-PWD(B&R), Patiala was issued through Senior Superintendent of Police, Patiala for his presence before the Commission on **02.02.2021**.

The PIO was also directed to provide information to the appellant within 10 days of the receipt of this order.

Hearing dated 02.02.2021:

The case has come up for hearing today through video conferencing at DAC Patiala. The appellant claims that the PIO has not provided the information. Sh.Naveen Mittal, Xen-cum-PIO PWD(B&R) is present and informed that the land for rest house was provided by the Administration in the year 2005-06, however, no formal document is available in their record and the reply was sent to the appellant vide letter dated 17.07.2020.

The PIO-PWD(BR) is directed to give this in writing on an affidavit that no letter/document is available in their record regarding information relating to point-2.

The Commission further observes that the appellant to collect the information has had to suffer undue inconvenience, thus I find it to be a fit case for awarding compensation to the appellant u/s 19(8)(b) of the RTI Act.

The PIO-PWD(B&R), Patiala is directed to pay an amount of **Rs.2500/-** via demand draft drawn 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 is directed to duly inform the Commission of the compliance of the order and submit proof of having compensated the appellant.

The PIO-PWD(B&R) is also directed to file a reply to the show cause notice.

To come up for further hearing on **18.05.2021 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Patiala.

Chandigarh
Dated: 02.02.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

CCto:1. PIO-Director Land Records,
Kapurthala Road, Jalandhar

2. PIO-PWD(B&R), Patiala



Sh.Gurinder Singh Sodhi,
R/o 47, Bank Colony,
Patiala

Appellant

Versus

Public Information Officer,
O/o Principal Secretary,
Local Govt. Department, Sector 35,
Chandigarh.

First Appellate Authority,
O/o Additional Director,
Local Govt. Department, Sector 35,
Chandigarh

Respondents

Appeal case No.2101 of 2020

PRESENT: Sh.Gurinder Singh as the Appellant
Sh.Sanjeev Kumar, Superintendent (LG-2) for the Respondent

ORDER;

The appellant through RTI application dated 23.03.2018 has sought information regarding CPW No.19788 of 2015 Gora Lal Jindal v/s State of Punjab – document filed before the High Court and other information concerning the office of Principal Secretary, Local Govt. Department, Punjab Chandigarh. The appellant was not provided the information after which the appellant filed first appeal with the first appellate authority on 28.07.2018 which took no decision on the appeal.

The case came up for hearing on 09.11.2020 through vide conferencing at DAC Patiala. The appellant claimed that the PIO has not provided the information.

The respondent was absent. Having gone through the file, the Commission observes that the PIO has written a letter on 26.02.2020 to Sh.GoraLal for seeking his consent under section 11 (Third Party Information) of the RTI Act whereas as per copy of letter received by the Commission from the PIO on 06.11.2020, the PIO had denied the information under section 8(h) of the RTI Act.

Since in the communication to the Commission the PIO had applied Section 8 (h) for denial of information, the PIO was directed to explain why he has applied this particular section. Merely stating the section without citing any plausible reason is not an acceptable was to deny information.

On the date of last hearing on 01.12.2020, the appellant claimed that the PIO has not provided the information.

The respondent is absent on 2nd consecutive hearing. Having gone through the file, the Commission observes that there has been an enormous delay of more than two years in providing the information. The PIO was issued a **show cause notice under Section 20 of the RTI Act 2005 and directed to file reply on an affidavit**. The PIO was again directed to provide the information within 10 days of the receipt of this order.

Hearing dated 02.02.2021:

The case has come up for hearing today through video conferencing at DAC Patiala. The respondent has submitted a reply to the show cause notice which has been taken on the file of the Commission. In the reply, the respondent has stated that since the court case is still pending, the information cannot be provided.

The case is adjourned. To come up for further hearing on **18.05.2021 at 11.00 AM** through a video conference facility available in the office of Deputy Commissioner Patiala.

Chandigarh
Dated: 02.02.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden, Sector 16, Chandigarh.
Ph: 0172-2864114, Email: -psicsic30@punjabmail.gov.in
Visit us: - www.infocommpunjab.com



Sh.Sudhir Sharma,
C/o Shiv Enterprises,
Opposite Triveni Palace,
Paitala Road, Nabha.

...Appellant

Versus

Public Information Officer,
O/o EO, Nagar Council,
Nabha, Distt. Patiala

.....Respondent

Complaint Case No. 95/ 2019, 109/2019, 110/2019, 111/2019

PRESENT: **Sh.Sudhir Sharma as the Appellant**
Sh.Manjit Singh, Inspector O/o EO-MC Bhawanigarh (on behalf of Earlier
PIO-cum-EO NC Nabha)for the Respondent

ORDER: This order should be considered in continuation to the previous order.

The case has already been heard on 13.03.2019, 30.07.2019, 06.11.2019, 23.01.2020, 29.06.2020 & 28.09.2020.

On the date of hearing on 30.07.2019, the PIO was absent nor had provided the information. Due to enormous delay of eight months in attending to the RTI application, the PIO was issued a **show cause notice** under section 20 of the RTI Act and directed to file reply on an affidavit. The PIO was again directed to provide the information to the complainant within 10days.

On the date of hearing on **06.11.2019**, the respondent Sh.Amrik Singh, EO appeared and informed that he had joined this office on 23.07.2019 and the delay had occurred on the part of the earlier PIO. The respondent also submitted his reply which was taken on the file of the Commission. In the reply, the respondent stated that after assuming the charge, he immediately asked the concerned junior engineer Sh.Gaganpreet Singh vide letter dated 23.07.2019 to provide the information to the appellant. Sh.Gaganpreet Singh was again instructed vide letter dated 16.08.2019 to provide the information to the appellant and be present before the Commission on the date of hearing on 06.11.2019. Sh.Gaganpreet Singh has been transferred and now posted in NC- Bagha Purana.

The PIO was directed to submit a detailed reply to the show cause notice on an affidavit and be present on the next date of hearing.

On the date of hearing on **23.01.2020**, the respondent submitted a reply to the show cause notice on an affidavit which was taken on the file of the Commission. The respondent also submitted a list of officers posted as PIOs at NC Nabha from the date of filing of RTI application till date. The respondent also informed that Sh.Rakesh Garg was the PIO-cum-EO NC Nabha when the RTI application was filed and he is now posted as EO-MC Bhawanigarh. Sh.Rakesh Garg, EO-MC Bhawanigarh was directed to appear personally before the Commission on the next date of hearing and explain the reasons why the RTI application was not attended to within the time prescribed under the RTI Act.

On the date of hearing on **29.06.2020**, Sh.Jatinder Singh appeared and informed that the information has been provided to the complainant. As per complainant, the information was incomplete. The appellant further informed that despite order of the First appellate Authority dated 04.03.2020, the complete information was not provided.

Complaint Case No. 95/ 2019, 109/2019, 110/2019, 111/2019

Hearing both the parties, the appellant was directed to inspect the record by fixing a mutually convenient date and time with the PIO and get the relevant information. If the information is not available, to give in writing on an affidavit that the information supplied is complete and no further information is available.

The Commission observed that the complainant had sought information in CC-95/2019, CC-109/2019, CC-110/2019 & CC-111/2019 from the same department i.e. EO-NC Nabha, all four cases were clubbed together and the PIO was directed to provide information in all these cases as per the RTI Act.

Since Sh.Rakesh Garg, EO-NC Bhawanigarh was absent nor had sent any reply to the show cause notice, to secure an erring PIO's presence before the commission, a bailable warrant of Sh.Rakesh Garg, EO-MC Bhawanigarh (Earlier PIO-cum-EO, NC-Nabha) was issued u/s 18(3) of the RTI Act through Senior Superintendent of Police, Sangrur for his presence before the Commission on **15.07.2020 which date** was postponed to 25.08.2020 and again to 28.09.2020.

On the date of hearing on **28.09.2020**, Sh.Rakesh Garg EO-MC Bhawanigarh (Earlier PIO-cum-EO NC Nabha) appeared and informed that he has already submitted his reply to the Commission. The Commission received reply which was taken on the file of the Commission.

In the reply, the respondent informed that he remained as EO-NC Nabha from 14.11.2018 to 26.03.2019 and thereafter went on medical leave. He further informed that during this period, he was having full charge of EO Nabha, additional charge of NC Bhawanigarh and Nagar Panchayat Amargarh but had a very uncooperative staff for which he had to suffer.

The respondent was directed to submit detailed reply on an affidavit.

On the date of hearing on **01.12.2020**, Sh.Rakesh Garg, EO-MC Bhawanigarh (Earlier PIO-cum-EO NC Nabha) appeared and informed that the detailed reply has already been sent to the Commission. The Commission had received the reply on 20.11.2020 which was taken on the file of the Commission. The appellant was absent.

Hearing dated 02.02.2021:

The case has come up for hearing today through video conferencing at DAC Patiala. Sh.Manjit Singh, Inspector-NC Bhawanigarh is present on behalf of Sh.Rakesh Garg, EO-Bhawanigarh (Earlier PIO-NC Nabha) and informed that the Sh.Rakesh Kumar, EO-NC Bhawanigarh (earlier PIO-NC Nabha) has already sent documents/CD in support of his earlier reply. The Commission has received a letter from the PIO on 13.01.2021 along with supporting documents which has been taken on the file of the Commission.

As per respondent, the information to the complainant has already been provided on 14.01.2020. As per complainant, the information is incomplete. The PIO-NC Nabha is absent.

Having gone through the reply of the EO-NC Bhawanigarh (earlier PIO-NC Nabha), I do not find any merit in the plea taken by the respondent and observe that the delay in attending to the RTI application has occurred on the part of Sh.Rakesh Garg, the then PIO-NC Nabha. He should have replied to the RTI application within thirty days as per the provisions of Section 7 of the RTI , ACT.

Complaint Case No. 95/ 2019, 109/2019, 110/2019, 111/2019

Since the responsibility to ensure the timely transmission of the information to the appellant lies on the PIO, Sh.Rakesh Garg, EO-NC Bhawanigarh (Earlier PIO-cum-EO NC Nabha) is 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.

A penalty of **Rs.10,000/-** is hereby imposed upon Sh.Rakesh Garg, EO-NC Bhawanigarh (Earlier PIO-cum-EO NC Nabha) which will be deposited in the Govt. Treasury. The PIO- Sh.Rakesh Garg, EO-NC Bhawanigarh (Earlier PIO-cum-EO NC Nabha) is 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.

The Commission further observes that the appellant to collect the information has had to suffer undue inconvenience, thus I find it to be a fit case for awarding compensation to the appellant u/s 19(8)(b) of the RTI Act.

The current PIO-EO-NC Nabha is directed to pay an amount of **Rs.2500/-** via demand draft drawn 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 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 **18.05.2021 at 11.00 AM** through a video conference facility available in the office of Deputy Commissioner Patiala.

Chandigarh
Dated: 02.02.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to Sh.Rakesh Garg,
EO-NC, Bhawanigarh.