



Sh. Jagdev Singh,
S/o Sh. Gurmail Singh,
C/o Nikhil Batta, Advocate,
Chamber No. 543, Yadvindra Complex,
Patiala.

Complainant

Versus

Public Information Officer,
O/o Director,
Technical Education & Industrial Training Department,
Government of Punjab,
Sector-36, Chandigarh.

Respondent

Complaint Case No.138/2019

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
18.10.2018	04.01.2019	Nil	Nil	29.02.2019

Present: Sh. Jagdev Singh, complainant is present.
Sh. Rashpal Singh, Sr. Asstt- for Respondents.

ORDER:

The following order was passed on 14.05.2019:-

"The complainant has sought information of leasing out the properties of the respondent for the establishment of ITIs and some allied information. He is alleging irregularities and misappropriation in the aforesaid exercise.

The respondents say that the information has been provided to the complainant. The complainant says that there are deficiencies on many scores. The respondents assure the Commission to make good the deficiencies. They are directed to ensure that complete information in all respects with reference to the application is provided to the complainant within 15 days positively".

The matter has come up today i.e. 02.07.2019 at 11.30 AM. The status quo ante remains. It seems that the respondents are trying to evade the issue rather than being specific in providing the information. The crux is as to whether any recovery has been made from the lessees or not and what is the status of action being taken against them. The query is being stone-walled.

.2 (PTO)



Complaint Case No.138/2019

The Commission takes it as a willful attempt to conceal the information. Final opportunity is afforded to them to be candid in informing the appellant on the subject, failing which, penal consequences shall follow.

To come up on 20.08.2019 at 11.30 AM.

02.07.2019

**Sd/-
(Yashvir Mahajan)
State Information Commissioner**



Sh. Nonihal Singh
S/o Sh.Amarjit Singh
R/o Ward No.13, Sodhi Farm,
Zirakpur, District Mohali.

Complainant

Versus

Public Information Officer,
O/o Tehsildar, Dera Bassi,
Distt. Mohali.

Respondent

Complaint Case No.244/2019

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
10.09.2018	Nil	Nil	Nil	08.03.2019

Present: Sh.Bhupinder Singh on behalf of Sh.Nonihal Singh,
Smt. Gurmeet Kaur, Reader to Naib Tehsildar, Zirakpur- for the Respondent.

ORDER

The complainant has sought information relating to the Shamlat land of villages Lohgarh, Bhabat, Baltana as was reserved at the time of consolidation and its current status. The respondents say that they have advised the concerned Parwari to provide the information on receipt of prescribed fee.

Such a stance is not in keeping with the law. The Commission directs the PIO in the office of Naib Tehsildar, Zirakpur to intimate a definite date, place and time to the complainant in writing within 15 days from today positively and arrange inspection of the relevant record and provide certified copies of the documents identified by him free of charge but not beyond 50 pages. The complainant shall have to justify the demand in case he required it beyond the aforesaid quantum.

To come up on **20.08.2019 at 11.30 AM.**

02.07.2019

Sd/-
(Yashvir Mahajan)
State Information Commissioner



Sh. Ravinder Dhingra,
R/o H.No.733, Sector-43A,
Chandigarh.

Appellant

Versus

Public Information Officer,
O/o Officer Incharge, Women Cell,
R.No.425, Distt. Administrative Complex,
Lakhnor, Sector-76, Mohali.

First Appellate Authority,
O/o Inspector General of Police,
Rupnagar Range, Rupnagar.
Distt. Moga.

Respondents

Appeal Case No.865/2019

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
26.10.2018	Nil	03.12.2018	Nil	03.01.2019

Present: Sh. Ravinder Dogra, Appellant in person.
ASI Shyam Singh - for the Respondents.

ORDER

The following order was passed on 02.05.2019:-

"The Appellant has sought to know answers to his queries with reference to a complaint filed against him by one Smt. Chandni Kukreja, R/o Gilco Valley, Kharar. Having failed to procure the information or response to his questions, he has filed 2nd Appeal with the Commission. The respondents say that the complaint made against the Appellant has been filed after conducting preliminary enquiry. They have brought along the relevant documents, certified copy of which has been handed over to the Appellant.

Meanwhile the respondents are advised to file a written statement explaining the delay in providing the information".

The matter has come up today. Shri Shyam Singh, ASI has submitted a written memo wherein it has been stated that the copies of the documents sought by the appellant, were sent to the RTI Wing of the office of SSP, Mohali and the appellant was advised to collect the same from there. DDR on this account was also recorded on 26.09.2018. He states that there is no delay and



Appeal Case No.865/2019

requests to file the appeal. The appellant denies having received any information. The PIO in the office of SSP Mohali is hereby desired to file a written reply to the notice of the Commission and the contentions of the appellant before the next date of hearing positively.

To come up on **28.08.2019 at 11.30 AM.**

02.07.2019

**(Yashvir Mahajan)
State Information Commissioner**



Sh. Malkit Khan,
S/o Sh. Jumma Khan,
R/o Village Jalal Khera, PO-Sular,
District Patiala.

Appellant

Versus

Public Information Officer,
O/o District Development & Panchayat Officer,
Patiala.

First Appellate Authority-cum-
O/o Distt. Development & Panchayat Officer,
Patiala.

Respondents

Appeal Case No.939/2019

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
16.08.2018	Nil	11.09.2018	Nil	06.03.2019

Present: Sh.Malkit Khan, Appellant is absent.
None is present on behalf of the Respondents.

ORDER

Both the parties are absent consecutively. The Commission finds that the appellant has been informed by the DDPO Patiala, as per communication sent by DDPO Patiala to the address of appellant. A copy of the report of the enquiry conducted by D.C. Patiala has been sent to the Director, Rural Development & Panchayats Department, Punjab. The same has also been forwarded to the appellant.

The Commission feels that he has been sufficiently informed. No action is called for.

Disposed.

Sd/-

02.07.2019

(Yashvir Mahajan)
State Information Commissioner



Sh. Fateh Singh,
S/o Late Sh. Pritam Singh,
Village-Bharatpur, P.O- Bhago Majara,
Distt.-S.A.S Nagar.

Appellant

Versus

Public Information Officer,
O/o Block Development and Panchayat Officer,
Kharar, Distt. S.A.S Nagar.

First Appellate Authority,
O/o Additional Deputy Commissioner,
S.A.S Nagar.

Respondents

Appeal Case No.3027/2018

Date of RTI application: 29.06.2017
Date of First Appeal : 20.04.2018
Date of Order of FAA or Reply: Nil
Date of 2nd Appeal/complaint: 05.09.2018

Present: Sh. Fateh Singh, Appellant in person.
Sh. D.K Saldi, DDPO, Mohali;
Sh. Harmesh Singh, Panchayat Secretary, O/o BDPO, Kharar – for Respondents.

Order

The following order was passed by the bench on 16.04.2019:

“The appellant had sought information about the erection of harijan dharamsala in the village and the information connected thereto.

Sh. Harmesh Singh, Panchayat Secretary appearing on behalf of the respondents says that the record is in the office of the District Development & Panchayat Officer, Mohali as he is enquiring into a complaint on the subject.

Be that as it is, the documents sought should be arranged to be provided to him before the next date of hearing positively. The District Development & Panchayat Officer, Mohali shall be considered as deemed PIO in case the record lies with him. He should ensure that the certified copies are provided to the appellant through the Block Development & Panchayat Officer, Kharar



-2-

Appeal Case No.3027/2018

immediately.”

“Despite the express order of the Commission, the District Development & Panchayat Officer, Mohali has neither responded nor arranged to provide the information. Sh. Harmesh Singh, Panchayat Secretary appearing on behalf of the respondents reiterates his earlier position that the record is maintained by the DDPO, Mohali and he is not in a position to provide the information. Apparently, the DDPO, Mohali has rendered himself liable for penal consequences.

Accordingly, Sh. D.K.Saldi, District Development & Panchayat Officer, Mohali, is issued a show cause notice to explain in a self- attested affidavit as to why a penalty @ Rs.250/- per day of delay subject to maximum of Rs.25,000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on him for causing willful delay / denial of the information to the RTI applicant and why the compensation be not awarded to the Appellant under Section 19 (8) (b) of the Act for the detriment suffered by him.

In addition to the written reply, he is also given an opportunity under Section 20(1) proviso thereto, for a personal hearing before the imposition of such penalty on the next date of hearing. He may take note that in case he does not file his written reply and does not avail himself of the opportunity of personal hearing on the date fixed, it will be presumed that he has nothing to say and the Commission shall proceed to take further proceedings against him ex parte.”

“The case has come up for hearing today. Sh. D.K.Saldi, DDPO, Mohali to whom the show cause notice was issued for having failed to provide the information is neither present nor any

Contd.....page.....3



-3-

Appeal Case No.3027/2018

written explanation has been filed by him. Obviously, he has failed to explain the reason for withholding the information. The Commission as such shall be justified in penalizing him. However, another opportunity is afforded to him to clarify his position as to why the penalty proposed in the show cause notice already issued to him should not be imposed on him.

Meanwhile, Sh. Harmesh Singh, Panchayat Secretary who has appeared on behalf of the respondents today has brought along the information which has been handed over on spot to the appellant. The same has been supplied after harassing the appellant for more than one and a half year. The appellant may look into it and inform the Commission about its sufficiency."

The matter has again been taken up today. The appellant has pointed out that the information supplied to him is uncertified without any forwarding letter and it is only an apology for the same. It does not address to most of the points he has mentioned in his application specifically the disposal of the material which was laid waste after the re-erection of the harijan dharamsala. The District Development & Panchayat Officer seemingly is dismissive and nonchalant to the various directions of this Court.

The Commission is intrigued by his conduct who despite a couple of clear directions along with the show cause notice has shown scant attention to it. No reply or explanation has been filed by him. His proxy is un-informed and simply shows his ignorance about the facts of the case. Not a single reply or document has been filed by the respondents.

Contd. page. 4



-4-

Appeal Case No.3027/2018

The original application was filed by the appellant on 29.06.2017. Even the first appeal filed by him did not elicit any response. Various directions of the Commission have also been stone-walled. The Commission thus finds the District Development and Panchayat Officer guilty of violation of Section 7 (1) of the RTI Act and renders himself liable for penal consequences.

The delay is substantial and beyond 100 days. His culpability of violation of Section 7(1) is established.

The Commission, therefore, exercising its authority under Section 20(1) of the RTI Act imposes a penalty of Rs.25,000/- (Rupees Twenty Five Thousand only) on Sh. D.K.Saldi, District Development & Panchayat Officer, Mohali which shall be recovered from his salary in two equal installments commencing from the month of June, 2019.

The Director of Rural Development and Panchayats, Punjab, SAS Nagar shall ensure that the amount of penalty is deducted from his salary and deposited in the government treasury under the head given below:

- 0070-Other Administrative Services
- 60 Other Services
- 800 Other Receipts
- 86 Fee under RTI Act, 2005

A copy of the challan shall be sent to the Commission for record immediately."

"Sh. Fateh Singh, appellant had been made to run from pillar to post for simple information which as yet has not been given to him. He is accordingly awarded a compensation of

Appeal Case No.3027/2018

Rs.5,000/- (Rupees Five Thousand only) under Section 19(8) (b) of the RTI Act for the detriment suffered by him. The public authority will compensate the appellant out of its own funds. The District Development & Panchayat Officer, SAS Nagar shall ensure that this amount is delivered to the appellant through a bank draft within one month of the receipt of this order.

The Commission takes a very strong view of the misconduct of Sh. D.K.Saldi, DDPO, SAS Nagar. His disciplinary authority is desired to issue him charge-sheet and take appropriate disciplinary action under intimation to the Commission."

The case has again come up today. Sh. D.K Saldi has requested to recall the order on the ground that the same has been passed at his back as he did not receive any of the orders directed towards him passed by the Commission and no opportunity of being heard has been afforded to him. The Commission has gone through the contents of the file, as much as 4 communications on 23.10.2018, 13.12.2018; 24.01.2019 and 16.04.2019 have been sent to him. The Commission has verified the dispatch record of it, which suggests that the orders have been duly posted on each occasion. A proxy for PIO of the department has always been present when the orders were dictated during the course of hearing in the court. The Commission presumes that the same should have been communicated to him as well. There is no factual error in the order which can be reviewed and corrected. The original order passed on 16.04.2019 as such holds and the respondents are directed to implement it.

Disposed.

02.07.2019

**Sd/-
(Yashvir Mahajan)
State Information Commissioner**



Sh. Fateh Singh,
S/o Late Sh. Pritam Singh,
Village-Bharatpur, P.O- Bhago Majara,
Distt.-S.A.S Nagar.

Appellant

Versus

Public Information Officer,
O/o Block Development and Panchayat Officer,
Kharar, Distt. S.A.S Nagar.

First Appellate Authority,
O/o Additional Deputy Commissioner,
S.A.S Nagar.

Respondents

Appeal Case No.3028/2018

Date of RTI application: 29.06.2017
Date of First Appeal : 20.04.2018
Date of Order of FAA or Reply: Nil
Date of 2nd Appeal/complaint: 05.09.2018

Present: Sh. Fateh Singh, Appellant in person.
Sh. D.K Saldi, DDPO, Mohali;
Sh. Harmesh Singh, Panchayat Secretary, O/o BDPO, Kharar – for Respondents.

Order

The respondents say that they have duly supplied the information to the appellant.
The Commission has seen the document and is convinced that he has been suitably informed. No further action seems to be called for.

Disposed.

02.07.2019

Sd/-
(Yashvir Mahajan)
State Information Commissioner