



Smt. Surinder Kaur (Sarpanch),
Village-Bhundian,
PO- Behram Saishta,
Distt. Jalandhar.

Appellant

Versus

Public Information Officer,
O/o Block Development and Panchayat Officer,
Block-Bhogpur, Sirwal,
Distt. Jalandhar.

First Appellate Authority,
O/o District Development and Panchayat Officer,
Tehsil Complex, Jalandhar.

Respondents

Appeal Case No.2637/2018

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
12.02.2018	Nil	13.04.2018	Nil	11.07.2018

Present: Smt. Surinder Kaur, Appellant in person.
Sh. Sarabjit Singh, Panchayat Secretary – for Respondents.

Order

It shall be relevant to reproduce the interim orders passed on 03.04.2019 and 16.05.2019, have under so as to have correct appreciation of the issue.

“The appellant had sought an information relating to various development works executed during the period from 04.07.2017 to 31.12.2017 and the connected information thereto.

The respondent says that she has been provided the information. During the course of hearing it transpires that only the copies of the proceedings have been provided. Seemingly, the respondents are intentionally avoiding the information. They are directed to provide her the copies of the measurement book and various bills and vouchers associated with the aforesaid works before the next date of hearing failing which the penal consequences shall follow. Meanwhile, the BDPO shall file a written reply to the Commission as to why he failed to provide the information during the stipulated period.”



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"The case has come up for hearing today. Sh. Ram Lubhaya, BDPO, Bhogpur says that Sh. Sarbjeet Singh, Panchayat Secretary who is the custodian of the record is non cooperative despite having been instructed to join the proceedings and supply record. He is defiant. The Commission takes serious note of his defiance.

Sh. Sarbjeet Singh, Panchayat Secretary who is the deemed PIO in this case is directed to come present in person along with the original record on the next date of hearing. He 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, the PIO 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."

16.05.2019

"Sh. Sarabjit Singh, Panchayat Secretary comes present today. He submits that the information available in the record has been transmitted to the appellant. The appellant is dissatisfied. She has pointed out deficiencies vide letter dated 22.04.2019. The respondents are required to look into it and furnish the point-wise reply along with the information, if already not supplied."

The matter is being considered today. The appellant admits having received the information. The Commission is also satisfied of its transmission in consonance with the application.

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There has been a substantial delay in providing the information. The original application was filed on 13.04.2018. The information has been supplied during the course of hearings in the Commission. The PIO has not come up with any satisfactory response for the delay, which is beyond 100 days. The mere explanation that he has been busy and dealing with many gram panchayats does not steer him clear of the culpability of violation of section 7(1) of Right to Information Act, 2005.

Taking cognizance of the same and some extenuating factors explained by the respondents, on exercise of its authority under section 20 (1) of the RTI Act, the Commission imposes a penalty of Rs. 10,000/- (Ten Thousand only) in lump sum, to be recovered from his salary in two equal installments from the month of September onwards by challan. The DDO shall deposit it in the Govt. treasury under the head: **- 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.

By the callous conduct of the PIO, the appellant has been put to a lot of harassment. A compensation to an extent of Rs. 3000/- (Three Thousand only) is awarded to the appellant for the detriment suffered by him in terms of Section 19(8) (b) of the Act. It shall be paid by the public authority from its account by way of demand draft in favor of the appellant within a month of the receipt of the order positively.

Disposed.

02.07.2019

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

**CC: The Director, Department of Rural Development and Panchayats,
Sector-62, Mohali.**