

Deepak Mudgil,
R/o Military Station Road,
Opp Chanakya School,
Fazilka.

... Appellant

Versus

Public Information Officer,
O/o EO, MC,
Fazilka.

First Appellate Authority,
O/o Regional Deputy Director,
Urban Local Bodies,
Ferozepur

..... Respondent

Appeal Case No. 444 of 2020

PRESENT: None for the Appellant
Sh.Rajnish Kumar, EO-MC-Fazilka for the Respondent

ORDER:

The appellant through RTI application dated 16.09.2019 has sought information regarding property tax collected against the properties falling under the jurisdiction of NC Fazilka, number of divisions for collecting property tax, rate of tax and other information concerning the office of EO-MC Fazilka. The appellant was not provided the information after which the appellant filed first appeal before the First Appellate Authority on 23.10.2019 which directed the PIO to supply information by 05.12.2019 and appear before the First Appellate Authority on 06.12.2019..

The case came up for hearing first on 07.07.2020 through video conferencing at DAC Fazilka. The appellant claimed that the PIO has not provided the information. The respondent was absent.

It was observed that the PIO had neither contacted to the appellant nor attended the hearing of the First Appellate Authority as seen in the order of the First Appellate Authority and neither made himself/herself present at the Commission's hearing.

Having gone through the record on the file, it was found that there has been constant break down of the implementation of the RTI Act. 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 to the appellant within 10 days of the receipt of the order.

On the date of next hearing on **01.09.2020**, the appellant claimed that the PIO has not supplied the information.

The PIO was absent on 2nd consecutive hearing nor had complied with the order of the Commission.

To secure an erring PIO's presence before the commission the Information Commission, a bailable Warrant of the PIO-Estate Officer, MC Fazilka was issued through Senior Superintendent of Police, Fazilka for his presence before the Commission on **13.10.2020** which date was postponed to 02.12.2020.

Hearing dated 02.12.2020:

The case has come up for hearing today through video conferencing at Fazilka. The PIO Sh.Rajnish Kumar is present. The respondent present pleaded that complete information has been provided to the appellant and the appellant has received the information on 02.09.2020.

The Commission has also received a reply to the show cause notice from the PIO on 21.10.2020 which has been taken on the file of the Commission.

The appellant is absent. Having gone through the reply, I accept the plea of the PIO and drop the show cause.

Since the information has been provided, no further course of action is required. The case is **disposed off and closed**.

Sd/-

**Chandigarh
Dated 02.12.2020**

**(Khushwant Singh)
State Information Commissioner**

Sh Lakhwinder Singh, S/o Sh Gurjant Singh,
VPO Patti Sadiq, Tehsil Abohar,
Distt Fazilka.

... Appellant

Versus

Public Information Officer,
O/o Tehsildar, Abohar,
Distt Fazilka.

First Appellate Authority,
O/o SDM, Abohar,
Distt Fazilka

..... Respondent

Appeal Case No. 3006 of 2019

PRESENT: None for the Complainant
Sh.Arpit Batra, Jr. Assistant O/o SDM Abohar for the Respondent

ORDER:

The appellant through RTI application dated 07.03.2019 has sought information regarding total number of farmers of village Patti Sadiq whose loan has been waived under Loan waiver scheme from 01.01.2017 to 07.01.2019 and other information concerning the office of Tehsildar Abohar. The appellant was not provided the information after which the appellant filed first appeal before the First Appellate Authority on 11.05.2019 which took no decision on the appeal.

On the date of hearing on 18.12.2019, both the parties were absent. The case was adjourned.

On the date of next hearing on **24.02.2020**, both the parties were absent. The PIO-cum-Tehsildar Abohar vide email informed that since the information relates to the office of Assistant Registrar, Cooperative Department, Abohar, they have transferred the RTI application to them under section 6(3) vide letter dated 12.03.2019 with a copy to the appellant.

The PIO, O/o Assistant Registrar, Cooperative Department, Abohar was impleaded in the case and directed to look at the RTI application as transferred by the Tehsildar Abohar on 12.03.2019 and provide the information to the appellant. The PIO- Assistant Registrar, Cooperative Department, Abohar was also directed to be present on the next date of hearing alongwith the reasons for not attending to the RTI application within the prescribed time as per the RTI Act.

On the date of hearing on 07.07.2020, the respondent present from the office of Registrar Cooperative Societies pleaded that the information is in the custody of SDM Abohar since the password and login is with the office of SDM Abohar. The PIO-SDM Abohar was impleaded in the case and directed to provide the information to the appellant as per the RTI application. A copy of RTI application was attached with the order for the PIO-SDM Abohar.

The Commission observed that since the RTI application was moving from one desk to another, The Commission declared the PIO-SDM Abohar as the deemed PIO and directed him/her to procure the information even if in the custody of another department and provide to the appellant.

On the date of last hearing on **01.09.2020**, both the parties are absent. The Commission received an email from the PIO stating that since all staff of DC office alongwith staff of SDM & Tehsil office had been found corona positive, he could not attend the hearing and requested for adjournment. The case was adjourned.

Hearing dated 02.12.2020:

The case has come up for hearing today through video conferencing at DAC, Fazilka. The respondent present pleaded that they tried to contact the appellant to supply the information by hand through a messenger but since the appellant was not found available at the given address, a copy of the information was pasted on his house wall. The information has also been sent to the appellant through a registered post on 29.09.2020.

The appellant has been absent on every hearing nor has communicated whether he has received the information or not. It is presumed that the appellant has received the information and is satisfied or not interested in pursuing this case any further.

Since the information has been provided through various methods as mentioned above, no further course of action is required.

The case is **disposed off and closed**. A copy of the information is being sent to the appellant with the order.

Chandigarh
Dated:02.12.2020

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to :1. PIO-Assistant
Registrar,
Cooperative
Department,
C/o District Central Cooperative Bank,
Abohar.

2. PIO-SDM, Abohar