



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 Director,
Local Govt, Sector-35-A,
Chandigarh.

First Appellate Authority,
O/o Director,
Local Govt, Sector-35-A,
Chandigarh.

...Respondent

Appeal Case No. 3216 of 2020

PRESENT: Sh.Rajinder Kumar as the Appellant
Sh. Amit Kumar, Sr. Assistant(Genl-branch) for the Respondent

ORDER:

The appellant through RTI application dated 30.07.2020 has sought information regarding the decision taken by Director Local Govt on general meeting of NC Mansa – remarks of the EO dated 06.03.2020 and other information as enumerated in the RTI application concerning the office of the Director, Local Govt. Pb Chandigarh. The appellant was not provided with the information after which the appellant filed the first appeal before the First Appellate Authority on 31.08.2020 which took no decision on the appeal.

The case came up for hearing first on 31.03.2021 through video conferencing at DAC Mansa. As per the appellant, the PIO had not provided the information.

The respondent present pleaded that the information has already been supplied to the appellant vide letter dated 17.08.2020. The respondent also submitted a copy of the information to the Commission which was sent to the appellant along with the order.

The appellant was directed to point out the discrepancies if any, to the PIO with a copy to the Commission and the PIO was directed to remove the same.

On the date of hearing on **16.06.2021**, as per the respondent, the information had been provided to the appellant vide letter dated 17.08.2020.

However, the appellant alleged that the PIO is misleading the court since the document which the respondent claims to have sent along with the letter dated 17.08.2020 is signed by the authorities only on 11.09.2020 and 21.01.2020. The appellant also sent a letter dated 30.04.2020 which was received in the Commission on 04.05.2020 along with a copy of documents signed by the authorities on 11.09.2020 and 21.10.2020.

Since there was prima-facie evidence that the PIO might have misled the court, 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.**

On the date of the last hearing on **25.10.2021**, the respondent was absent. The Commission received a reply from the PIO on 19.08.2021, which was taken on the file of the Commission.

Having gone through the reply to the show-cause notice, one last opportunity was afforded to the PIO with the direction to appear personally on the next date of the hearing and explain the facts.

The case last come up for hearing on 08.03.2022 through video conferencing at DAC Mansa/Mohali. The respondent was present at Chandigarh and has filed his reply, which has been taken on record.

Due to technical fault in the VC, the appellant could not be heard.

Hearing dated 03.08.2022:

The case has come up for hearing today through video conferencing at DAC Mansa. The respondent present pleaded that available information has already been provided to the appellant and reply to show cause notice has been submitted by the PIO in the Commission on the previous date of hearing vide letter dated 08.03.2022.

The appellant reiterated his earlier version alleging that PIO has supplied incorrect and incomplete information.

Having gone through the reply to the show-cause notice, one more opportunity is afforded to the PIO with the direction to appear personally on the next hearing date and explain the facts, failing which penal proceedings u/s 20 of the RTI Act 2005 shall follow.

The case is adjourned. To come up for further hearing on **06.12.2022 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, **Mansa**. The PIO to appear personally in Commission's office at Chandigarh.

Chandigarh
Dated 03.08.2022

Sd/-
(Khushwant Singh)
State Information Commissioner



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 Director,
Local Govt, Sector-35-A,
Chandigarh.

First Appellate Authority,
O/o Director,
Local Govt, Sector-35-A,
Chandigarh.

...Respondent

Appeal Case No. 3217 of 2020

PRESENT: Sh.Rajinder Kumar as the Appellant
Sh. Amit Kumar, Sr. Assistant(Genl-branch) for the Respondent

ORDER:

The appellant, through RTI application dated 24.07.2020 has sought information regarding FIR No.11 dated 02.08.2017 PC Act 1988 Thana Vigilance Bureau Bathinda against Rajinder Kumar Clerk of NC Mansa – a copy of the letter dated 06.09.2019 – a copy of the letter in reference to which letter dated 06.09.2019 was written – a copy of the DO letter dated 16.01.2020 of Punjab Vigilance Bureau and other information as enumerated in the RTI application concerning the office of Director Local Govt. Pb Chandigarh. The appellant was not provided with the information, after which the appellant filed the first appeal before the First Appellate Authority on 31.08.2020, which took no decision on the appeal.

The case came up for hearing on 31.03.2021 through video conferencing at DAC Mansa. As per the appellant, the PIO had not provided the information.

The respondent present pleaded that the information has already been supplied to the appellant vide letter dated 17.08.2020. The respondent also submitted a copy of the information to the Commission, which was sent to the appellant along with the order.

The appellant was directed to point out the discrepancies if any, to the PIO with a copy to the Commission and the PIO was directed to remove the same.

On the date of hearing on **16.06.2021**, as per the appellant, he received the information from the PIO on 20.04.2021 which was incomplete since the PIO had not supplied the information on point1 & 3 and the information on point-2 was not attested. The appellant pointed out the discrepancies vide the letter received in the Commission on 04.05.2021.

A copy of the letter was sent to the PIO with the direction to sort out the discrepancies and provide complete information. If the information is not available on the record, to give in writing on an affidavit that the information that has been provided is true, complete and no other information is available in the record relating to this RTI application.

On the date of the hearing on **25.10.2021**, the **respondent** informed that the discrepancies have been sorted out and the complete information has been provided to the appellant.

The appellant informed that he received the information on points 1 & 3 but the PIO has not supplied the copy of the letter of vigilance bureau in reference to which letter dated 06.09.2019 was written relating to point-2.

The PIO was directed to provide the information on point-2 if exists in the record. If the information is not available, give it in writing on an affidavit.

The case last came up for hearing on 08.03.2022 through video conferencing at DAC Mansa/Mohali. The respondent was present at Chandigarh and informed that the information relating to point-2 after collecting from the vigilance bureau had been sent to the appellant vide letter dated 15.02.2022 with a copy to the Commission.

Due to technical fault in the VC, the appellant could not be heard.

Hearing dated 03.08.2022:

The case has come up for hearing today through video conferencing at DAC Mansa. The appellant claimed that the information of point-2 has been supplied by retrieving the same from the vigilance bureau and is not from their own office. The appellant further alleged that even though the letter / information was not in their possession, an action was initiated by the Local Bodies based on the letter, which has been procured from the vigilance bureau, and the purpose of seeking the information is to understand the premise and origin of the action taken.

The PIO is directed to file an affidavit on the next hearing date specifying the source of procuring the letter, and whether it was in their possession or not? The case is adjourned.

To come up for further hearing on **06.12.2022** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Mansa. The PIO to appear personally in Commission's office at Chandigarh.

Chandigarh
Dated:03.08.2022

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh.Lajpat Rai Garg, S/o Sh.Harbans Lal,
B-3/287, Romana Street, Jaito,
Distt.Faridkot.

... Appellant

Versus

Public Information Officer,
O/o Principal Secretary,
Local Govt, Pb,
Sector 35-A, Chandigarh.

First Appellate Authority,
O/o Addl, Chief Secretary,
Local Govt, Pb,
Sector 35-A, Chandigarh.

...Respondent

Appeal case No.611 of 2020

Present: None for the Appellant
None for the Respondent

ORDER: This order should be read in continuation with the previous order.

The appellant, through RTI application dated 05.11.2019 has sought information 08 points regarding action taken on the letters sent by DC Faridkot for taking necessary action against the employees of MC Jaito – action taken on application dated 21.09.2019 and letters sent from 01.12.2017 to 08.02.2018 against Jagmohan Lal and other information as enumerated in the RTI application concerning the office of Addl. Chief Secretary, Local Govt Punjab. The appellant was not provided with the information, after which the appellant filed the first appeal before the First Appellate Authority on 13.12.2019 which did not decide on the appeal.

The case has already been heard on 26.08.2020, 18.01.2021, 04.08.2021, 25.10.2021 & 08.03.2022.

On the date of the hearing on **04.08.2021**, the appellant, as per the order of the Commission, had sent a typed copy of the RTI application and observed the reply of the PIO-Local Govt. Ferozepur was different from the information that had been sought in the RTI application since his applications about which he is seeking information are in the custody of the office of Principal Secretary Local Govt. Pb Chandigarh.

The respondent was absent.

Having gone through the RTI application and the reply of the office of Dy. Director Local Govt. Ferozepur, The Commission found that the reply is vague and not in accordance with the RTI application. As per the appellant, the information had been sought from the office of Principal Secretary, Local Govt. Pb Chandigarh and the information lies in the custody of that department.

The PIO-Principal Secretary, Local Govt. Punjab, Chandigarh was impleaded in the case and directed to relook at the RTI application (a copy of which was sent along with the order) and provide point-wise information as per available in their record. If it is in the custody of any other section of the department, the PIO-Principal Secretary procure it from the concerned section /district and provide the sought information as per the RTI Act.

On the date of the hearing on **25.10.2021**, both the parties were absent. The case was adjourned.

The case last came up for hearing on 08.03.2022 through video conferencing at DAC Faridkot. The appellant was present at Chandigarh and informed that the PIO has not supplied the information.

The respondent was absent on 3rd consecutive hearing. The PIO is given one last opportunity to appear personally before the Commission on the next date of hearing alongwith the explanation for not providing the information failure to which penal action under section 20 of the RTI Act will be taken.

Hearing dated 03.08.2022:

The case has come up for hearing today through video conferencing at DAC Faridkot.

Due to some technical glitch in the line for video conferencing, the hearing of the same has not taken place.

Earlier order stands.

To come up for further hearing on **06.12.2022 at 11.00 AM** through a video conference facility available in the office of Deputy Commissioner, Faridkot. The PIO to appear through VC at Chandigarh.

Chandigarh
Dated 03.08.2022

Sd/-
Khushwant Singh
State Information Commissioner

CC to PIO-Additional Deputy Commissioner,
Urban Development,
Faridkot

Sh. Lajpat Rai, S/o Sh . Harbans Lal,
H O-B-3/287, Romana Street,
Jaito, Distt Faridkot.

... Appellant

Versus

Public Information Officer,
O/o SDM, Jatio,
Faridkot.

First Appellate Authority,
O/o SDM, Jatio,
Faridkot.

...Respondent

Appeal Case No. 3128 of 2020

Present: None for the Appellant
None for the Respondent

ORDER:

The appellant through the RTI application dated 27.07.2020 has sought information regarding the application forwarded by DC Faridkot – enquiry reports and other information as enumerated in the RTI application concerning the office of SDM Jaito. The appellant was not provided with the information after which the appellant filed the first appeal before the First Appellate Authority on 31.08.2020 which took no decision on the appeal.

The case first came up for hearing on 08.03.2021 through video conferencing at DAC Faridkot. The respondent was absent.

Having gone through the RTI application, the Commission observed that the RTI application is not legible. The appellant was directed to send a typed legible copy of the RTI application with a copy to the PIO.

The PIO was directed to provide whatever information is available in the record as per the RTI Act.

On the date of the hearing on **16.06.2021**, the appellant sent a legible typed copy of the RTI application. As per the appellant, the PIO had not supplied the information.

The respondent was absent on 2nd consecutive hearing nor had complied with the order of the Commission. The PIO was given one more opportunity to provide information to the appellant whatever is available in the record and appear before the Commission on the next date of hearing along with the explanation for the delay in providing the information.

On the date of the hearing on **25.10.2021**, the appellant was absent and vide letter received in the Commission on 05.10.2021 sought adjournment.

The case was adjourned.

Appeal Case No. 3128 of 2020

The case last came up for hearing on 08.03.2022 through video conferencing at DAC Faridkot. As per the appellant, the PIO has not supplied the information.

The respondent was absent.

Hearing dated 03.08.2022:

The case has come up for hearing today through video conferencing at DAC Faridkot.

Due to some technical glitch in the line for video conferencing, the hearing of the case has not taken place.

Earlier order stands.

To come up for further hearing on **06.12.2022 at 11.00 AM** through a video conference facility available in the office of Deputy Commissioner, Faridkot.

Chandigarh
Dated 03.08.2022

Sd/-
Khushwant Singh
State Information Commissioner



Sh Rajinder Singh, S/o Sh Nachhatar Singh,
VPO Khemuana, Distt Bathinda.

... Appellant

Versus

Public Information Officer,
O/o SSP,
Faridkot.

First Appellate Authority,
O/o IGP, Faridkot Range,
Faridkot.

...Respondent

Appeal Case No. 3880 of 2020

PRESENT: None for the Appellant
None for the Respondent

ORDER:

The appellant through the RTI application dated 16.03.2020 has sought information regarding a copy of the crime register from the year 2000 and other information as enumerated in the RTI application concerning the office of SSP Faridkot. The appellant was denied the information by the PIO vide letter dated 08.07.2020 on the ground that a crime register was a secret record and hence its details cannot be provided. Not being satisfied with the reply, the appellant filed a first appeal before the First Appellate Authority on 17.08.2020 which disposed of the appeal on 23.09.2020 upholding the PIO's view.

The case first came up for hearing on 04.08.2021 through video conferencing at DAC Bathinda/Faridkot. As per the appellant, the PIO had wrongfully denied the information since the record relating to FIRs etc. along with status was already available on the internet and hence calling register a secret document was untenable.

After hearing both the arguments, the PIO was directed to send a copy of the record/crime register to the Commission in a sealed cover for the further perusal of this case.

On the date of hearing on **25.10.2021**, the Commission received a copy of the record from the PIO in a sealed cover which was taken on the file of the Commission.

The respondent reiterated his earlier plea that the crime register is a secret record and hence its details cannot be provided.

However, the appellant claimed that the Bathinda office has already provided a copy of the crime register.

The appellant was directed to send a copy of the document that has been provided by the Bathinda office to the commission to analyse the provided document.

The case last came up for hearing on **08.03.2022** through video conferencing at DAC Faridkot/Bathinda.

The appellant was absent nor has sent the copy of the crime register claimed to have been supplied by Bathinda's office.

Hearing dated 03.08.2022:

The case has come up for hearing today through video conferencing at DAC Faridkot/Bathinda.

Due to some technical glitch in the line for video conferencing, the hearing of the case has not taken place.

Earlier order stands.

To come up for further hearing on **06.12.2022 at 11.00 AM** through a video conference facility available in the office of Deputy Commissioner, Faridkot.

Chandigarh
Dated 03.08.2022

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.Gian Chand Goyal
New Market, Jaito,
District Faridkot.

...Appellant

Versus

Public Information Officer,
O/o Block Primary Education Officer,
Jaito, District Faridkot.

First Appellate Authority,
District Primary Education Officer,
Faridkot.

...Respondent

Appeal case No.3450 of 2020

PRESENT: Sh.Gian Chand as the Complainant
Sh.Dalbir Singh, BPEO for the Respondent

ORDER:

The appellant through RTI application dated 08.08.2020 has sought information regarding the list of Govt Primary Schools in Sub Division Jaito – list of primary teachers – educational certificates of teachers and other information concerning the office of BPEO Jaito. The appellant was not provided with the information after which the appellant filed the first appeal before the First Appellate Authority on 17.09.2020 which took no decision on the appeal.

The case came up for hearing first on 18.01.2021 through video conferencing at DAC Faridkot. The respondent present pleaded that the information on points 1, 2 & 3 had been provided, but since the information regarding point-4 being 3rd party information, as well as personal information, it is exempt u/s 2(n), 8(1)(j) and 8(1) of the RTI Act. The respondent further informed that the appellant had earlier also sought similar information (educational and experience certificates of teachers) in appeal case No.3860 of 2019 which was disposed of by Sh.Hem Inder Singh, State Information Commissioner on 08.01.2020. The respondent also sent a copy of the order which was received in the Commission on 24.12.2020.

Hearing both the parties, the appellant was directed to convince the Commission that the disclosure of information regarding point-4 has a larger public interest.

On the date of the hearing on **04.08.2021**, both the parties were absent.

The appellant sent his reply, which was taken on the file of the Commission.

On the date of hearing on 25.10.2021, the appellant informed that he has already sent his reply as per the order of the Commission. The appellant further claimed that the PIO has not supplied the information.

The respondent reiterated his earlier plea that the information on points 1, 2 & 3 have been provided but since the information regarding point-4 being 3rd party information as well as personal information, it is exempt u/s 2(n), 8(1)(j) and 8(1) of the RTI Act.

The appellant, however, has cited a decision of Delhi High Court dated 07.01.2019 in CWP 776 of 216 and CM No.3376 of 216 – Baljeet Singh v/s PIO-Industrial Training Institute Jahangirpuri & others wherein the petition filed by the petitioner was allowed and the order of the CIC(.... That educational certificate of the candidate is personal information and it cannot be disclosed as per the provisions of section 8(1)(j) of the RTI act, was set aside. The appellant is

seeking the release of this information because many teachers have used fake certificates to seek employment, and there is a larger public interest involved in releasing this information.

The Commission observes that the appellant has asked for educational certificates of all Govt. & private school teachers, which is voluminous information. The appellant has not been able to establish any larger interest in disclosing this voluminous information, nor has specified the person whose the information is required.

Since seeking educational certificates of teachers is a very common thing among RTI users, the Commission wants to consider placing online all educational certificates used for seeking employment. This bench feels that this option should be considered because suo-motto declaration of information into the public domain brings transparency and takes away the control of information from the public authority and an individual RTI seeker. Hence, I am writing this to the Secretary of Education(Elementary) to draft a proposal, with its advantages and objections, on uploading these certificates online so that cases of such nature are reduced.

The case last came up for hearing on 08.03.2022 through video conferencing at DAC Faridkot. The respondent reiterated his earlier pleas on point-4 being 3rd party information as well as personal information, it is exempt u/s 2(n), 8(1)(j) of the RTI act.

Hearing dated 03.08.2022:

The case has come up for hearing today through video conferencing at DAC Faridkot.

Due to some technical glitch in the line for video conferencing, the hearing of the case has not taken place.

Earlier order stands.

To come up for further hearing on **06.12.2022 at 11.00 AM** through a video conference facility available in the office of Deputy Commissioner, Faridkot. The PIO to appear through at Chandigarh.

Chandigarh
Dated 03.08.2022

Sd/-
Khushwant Singh
State Information Commissioner

CC to 1. Secretary Education Punjab,
Civil Secretariat Punjab, Sector 9,
Chandigarh

2. Director Public Instructions(EE) Punjab,
Phase-VIII, Mohali



Sh Kulbir Singh, Sarpanch,
Village Suresh Wala,
Tehsil & Distt Fazilka.

... Appellant

Versus

Public Information Officer,
O/o District Food & Civil Supplies Deptt,
Fazilka.

First Appellate Authority,
O/o District Food & Civil Supplies Deptt,
Fazilka.

...Respondent

Appeal Case No. 3076 of 2021

PRESENT: Sh. Kulbir Singh Sarpanch, the Appellant
Sh. Vipin Kumar, Inspector, for the Respondent

ORDER:

The appellant, through an RTI application dated 25.01.2021 has sought information regarding a copy of the order/report based on which ration cards were issued and discontinued relating to village Suresh Wala – details of ration cards issued and closed during 2019-20 and other information as enumerated in the RTI application concerning the office of District Food Supply department, Fazilka. The appellant was not provided with the information after which, the appellant filed a first appeal before the First Appellate Authority on 02.03.2021 which took no decision on the appeal.

The case first came up for hearing on 05.01.2022 through video conferencing at DAC Fazilka. The respondent present pleaded that the information has been provided to the appellant vide letter dated 09.12.2021. The respondent further pleaded that since the information was to be verified from the concerned BDPO, which they received from the BDPO only on 04.12.2020, and sent to the appellant on 09.12.2021.

There was nothing on the record that showed that the RTI application was attended to within the time prescribed under the RTI Act since the RTI application was filed on 25.01.2021 whereas the reply was sent only on 09.12.2021 with a delay of more than eleven months. The PIO was issued a **show-cause notice under section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time and directed to file a reply on an affidavit.**

The case came up for hearing again on 09.03.2022 through video conferencing at DAC Fazilka. The appellant was absent.

The respondent was also absent nor has filed a reply to the show-cause notice. The PIO was given one last opportunity to file a reply to the show-cause notice and appear personally on the next date of hearing otherwise, it will be presumed that the PIO has nothing to say on the matter,, and the Commission will take penal action against the PIO as per provisions of section 20 of the RTI Act.

Hearing dated 03.08.2022:

The case has come up for hearing today through video conferencing at DAC Fazilka. The appellant is present.

Appeal Case No. 3076 of 2021

The respondent pleaded that the reply to the show cause notice has been filed by the District Food Civil Supplies & Consumer Affairs, Fazilka vide letter dated 09.03.2022.

Having gone through the reply to the show cause notice tendered by the District Food Civil Supplies & Consumer Affairs, Fazilka, the Commission observes that the PIO is taking the Commission's order casually and the reply is not satisfactory.

The Commission observes that there is a delay of about 18 months in supplying the information to the appellant, which is clearly a violation of section 7 of the RTI Act. The PIO in the show-cause has failed to give any satisfactory reply to the delay in providing the information.

In these circumstances, Shri R.P.Singh Chahal, District Food Supplies & Consumer Affairs, Fazilka is held guilty on the above score, hence, in exercise of the powers conferred by Section 20(1) of the RTI Act, 2005, a penalty to the tune of **Rs. 10,000/-** (Rupees Ten thousand only) is imposed upon Shri R.P.Singh Chahal, District Food Supplies & Consumer Affairs, Fazilka to be deducted from his salary which is to be deposited in the State Treasury under the relevant head. An attested copy of the receipted challan is also directed to be presented before the Commission on the next date of hearing.

Moreover In view of the loss and detriment suffered by the appellant during this long period in obtaining the information in the instant case, I find full justification in awarding the appellant a suitable compensation. Therefore, in exercise of the powers conferred by Section 19(8)(b) of the RTI Act, 2005, a **compensation of Rs.5000/-** (Rupees five thousand only) is awarded to the appellant, to be paid by the Public Authority i.e. through Bank Draft, within 30 days and confirmation to this effect will be furnished to the Commission.

I am marking this case to Secretary, Food Civil Supplies & Consumer Affairs, Pb, Chandigarh, to look into the matter for suitable action so that information seekers under RTI 2005 may not suffer at the hands of the concerned official/officer.

To come up for further hearing on **06.12.2022** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Fazilka.

Chandigarh
Dated: 03.08.2022

Sd/-
(Khushwant Singh)
State Information Commission

Copy to :

- 1. Shri R. P. Singh Chahal,**
Public Information Officer –cum-
District Food Supplies & Consumer Affairs,
Fazilka.
- 2. The Secretary,**
Food Civil Supplies & Consumer Affairs,Pb
Sector 39, Chandigarh.



Sh Raman Kumar S/o Sh Girdhari Lal,
R/o H No-1021, Aggarwal Street,
Ward NO-12, Jalalabad, Distt Fazilka.

... Complainant

Versus

Public Information Officer,
O/o District Food Supply Controller,
Room, No-407-A, Block-A, 3rd Floor,
Fazilka.

...Respondent

Complaint Case No. 917 of 2021

PRESENT: None for the Appellant
Sh. Harinder Singh, Inspector, O/o DFSC, Fazilka Respondent

ORDER:

The complainant through an RTI application dated 05.05.2021 has sought information regarding the posting of inspector Rajinder Pal and Hira Lal from April 2020 to Sept.2020 during the distribution of wheat under PMKGY-1 and Oct 2020 to March 2021 during PMKGY-2 – details of wheat and gram received per member and other information as enumerated in the RTI application concerning the office of District Food Supply Controller, Fazilka. The complainant was not provided with the information, after which the complainant filed a complaint in the Commission on 13.07.2021.

The case first came up for hearing on 05.01.2022 through video conferencing at DAC Fazilka. The respondent present pleaded that the available information has been provided to the complainant vide letter dated 03.01.2022 and the information relating to point-2 is available on their website and that no specific information relating to point-5 is available.

The complainant claimed that the PIO has supplied information with a delay of more than six months.

The Commission observed that the RTI application was filed on 05.05.2021 whereas the information was provided only on 03.01.2022. Prima facie there has been an enormous delay in attending to the RTI application. The PIO was issued a **show-cause notice under section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time and directed to file an affidavit in this regard.**

The case first came up for hearing 09.03.2022 through video conferencing at DAC Fazilka. The appellant was absent.

The respondent was also absent nor had filed a reply to the show-cause notice. The PIO was given one last opportunity to file a reply to the show-cause notice and appear personally on the next date of hearing otherwise it will be presumed that the PIO has nothing to say on the matter and the Commission will take penal action against the PIO as per provisions of section 20 of the RTI Act.

Hearing dated 03.08.2022:

The case has come up for hearing today through video conferencing at DAC Fazilka. The appellant is absent.

The respondent present pleaded that reply to show cause notice has been submitted vide letter dated 779 dated 10.03.2022.

Having gone through the reply to show cause notice filed on 10.03.2022 is rejected as there is no provision in the RTI act to contact the information seeker personally to know the reason why he has filed the instant RTI application. The Commission has taken very seriously that the respondent instead of providing the information to the complainant has contacted him personally to know the reasons for seeking the information.

The Commission observes that there is a delay of about 14 months in supplying the information to the appellant, which is definitely on a high side and cannot be given a go by. Besides, the respondent District Food Supplies & Consumer Affairs, Fazilka seems totally unmindful and indifferent to the orders issued by the Commission on a number of occasions and openly defied them. Thus, the Commission draws the inference that the PIO, without any reasonable cause, has refused to furnish the information to the appellant and has malafidly denied him the same and thus, has rendered himself liable for punishment as provided under the RTI Act, 2005. Though the PIO was given a number of opportunities to explain his position in connection with the Show Cause Notice issued to him under Section 20(1) of the Act, he failed to come out with a satisfactory reply. In these circumstances, Shri Harpreet Singh Chahal, the then District Food Supplies & Consumer Affairs, Fazilka (now posted at Barnala) is held guilty of default on the above score.

Hence, in exercise of the powers conferred by Section 20(1) of the RTI Act, 2005, a penalty to the tune of **Rs. 10,000/-** (Rupees Ten thousand only) is imposed upon Shri Harpreet Singh Chahal, the then District Food Supplies & Consumer Affairs, Fazilka now posted at Barnala to be deducted from his salary which is to be deposited in the State Treasury under the relevant head. An attested copy of the receipted challan is also directed to be presented before the Commission on the next date of hearing.

To come up for further hearing on **06.12.2022** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Fazilka.

Chandigarh
Dated: 03.08.2022

Sd/-
(Khushwant Singh)
State Information Commission

Copy to :

Shri Hapreet Singh Chahal,
Public Information Officer –cum-
District Food Supplies & Consumer Affairs,
Barnala.



Sh. Prem Singh S/o Sh Jaspal Singh,
VPO Amarapura, Tehsil Abohar,
Distt Fazilka.

... Appellant

Versus

Public Information Officer,
O/o District Social Security Officer,
Bathinda.

First Appellate Authority,
O/o Director, Deptt. of Social Security and
Women & Child Development, Pb
102-103, Sector 34-A, Chandigarh.

...Respondent

Appeal Case No. 478 of 2021

PRESENT: None for the Appellant
Sh. Mohit Kumar, Clerk for the Respondent

ORDER:

The case first came up for hearing on **23.06.2021** through video conferencing at DAC Fazilka. As per the appellant, the PIO had not provided the information.

The respondent was absent. The PIO was directed to provide information to the appellant if exists in the record within 15 days and send a compliance report to the commission. Failure to comply with the order would attract penal action under section 20 of the RTI Act.

On the date of the hearing on **26.10.2021**, the appellant informed that the PIO has not supplied the information.

The respondent was absent on 2nd consecutive hearing. There has been an enormous delay or more than one year in attending to the RTI application. The PIO was issued a **show-cause notice under section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time and directed to file an affidavit in this regard.** The PIO was again directed to provide information to the appellant within 10 days of the receipt of the order.

On the date of hearing on **09.03.2022**, the appellant was absent and vide email has sought adjournment.

The respondent was also absent nor had filed a reply to the show-cause notice.

The PIO was given one last opportunity to reply to the show-cause notice and appear personally on the next date of hearing otherwise it will be presumed that the PIO has nothing to say on the matter and the Commission will take penal action against the PIO under the provisions of section 20 of the RTI Act.

Hearing dated 03.08.2022:

The case has come up for hearing today through video conferencing at DAC Fazilka/Bathinda. The appellant is absent nor is represented.

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The respondent presented pleaded that the requisite information has already been supplied to the appellant vide their letter dated 19.04.2021 and 11.05.2022. The respondent further pleaded that at the time of receipt of RTI application, Ms. Teavaspreet Kaur, was the District Social Security Officer at Bathinda and now posted at Barnala.

Having gone through the record on the file, Ms. Teavaspreet Kaur, the then District Social Security Officer, Bathinda and now posted at Barnala is directed to file reply a to the show cause notice in the shape of affidavit on non judicial stamp paper duly attested by the Public Notary before the next date of hearing. The Commission further directs Ms. Teavaspreet Kaur to be present personally at Chandigarh to explain her position.

The case is adjourned. To come up for further hearing on **06.12.2022 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Fazilka. The PIO to appear at Chandigarh.

Chandigarh
Dated:03.08.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

Copy to :
Ms. Teavaspreet Kaur
Public Information Officer-cum-
District Social Security Officer
Barnala.

