



Sh. Karnail Singh, S/o Sh Chhanga Singh,
New Azad Nagar,
Ferozpur City.

... Complainant

Versus

Public Information Officer,
O/o Naib Tehsildar, Mamdot,
Distt Ferozpur.

...Respondent

Complaint Case No. 113 of 2021

PRESENT: Sh.Karnail Singh as the Complainant
Mrs.Jaswinder Kaur, Naib Tehsildar, Mamdot for the Respondent

ORDER: Facts of the case are:-

That the complainant through the RTI application dated 02.12.2020 has sought information regarding action taken on the application dated 26.02.2020(Diary No.421 dt.27.02.2020) relating to providing false documents – present status of the application and other information as enumerated in the RTI application from the office of SDM Mamdot which transferred the same to Naib Tehsildar, Mamdot Distt.Ferozpur on 09.12.2020. The complainant was not provided with the information after which the complainant filed a complaint in the Commission on 15.01.2021.

That the case first came up for hearing on 28.06.2021 through video conferencing at DAC Ferozpur. The appellant informed that he had filed an RTI application with the office of SDM (Civil) Ferozpur which transferred the same to Naib Tehsildar, Mamdot on 09.12.2020 but the Naib Tehsildar has not provided any information.

The respondent was absent without any legitimate reasons for the absence. Since there has been an enormous delay of more than six months in attending to the RTI application and the Naib Tehsildar had not responded to the RTI application transferred by SDM Ferozpur on 09.12.2020, 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-Naib Tehsildar, Mamdot was again directed to provide whatever information exists in the record and action taken on the complaint of the appellant.

That on the date of hearing on **25.08.2021**, as per the appellant, the PIO had not supplied the information. The respondent was absent on 2nd consecutive hearing nor had filed a reply to the show cause notice as well as not provided the information.

The PIO was given one last opportunity to appear before the Commission on the next date of hearing and file a reply to the **show-cause notice** otherwise it will be presumed that the PIO has nothing to say in the matter and the decision will be taken ex-party.

That on the date of the hearing on **27.10.2021**, the appellant claimed that the PIO has not supplied the information. The respondent was absent on 3rd consecutive hearing nor had sent any reply to the show-cause notice.

Complaint Case No. 113 of 2021

Since the responsibility to ensure the timely transmission of correct information to the appellant lies on the PIO, the PIO-Naib Tehsildar Mamdot was held guilty for not providing the information on time as prescribed under section 7, and repeatedly defying the orders of the Commission. Further, since the appellant had to suffer undue inconvenience to get the information, the PIO-Naib Tehsildar Mamdot was directed to pay an amount of **Rs.5000/-** via demand draft as compensation to the appellant and submit proof of having compensated the appellant.

The decision on show cause was to be taken on the next date of hearing.

That on the date of last hearing on **01.12.2021**, the appellant claimed that the PIO has not supplied the information nor had paid any compensation as per the order of the Commission.

That Smt.Jaswinder Kaur, Naib Tehsildar Mamdot appeared and informed that she had just joined as Naib Tehsildar on 29.11.2021 and the delay had occurred on the part of the earlier PIO. The PIO was directed to comply with the earlier order of the Commission which still stands and provide information and pay the compensation amount to the appellant by way of a demand draft.

The PIO was also directed to send details of all the PIOs deputed at Mamdot (Name of PIO/Date of posting/date of relieving charge/present posting) from the date of filing of RTI application till date.

That the case has come up for **hearing today through** video conferencing at DAC Ferozepur.

The appellant informed that the PIO has neither supplied the information nor has paid compensation as per order of the Commission.

The PIO has also not filed reply to the show cause notice. Smt.Jaswinder Kaur, Naib Tehsildar Mamdot informed that Sh.Neeraj Kumar was the PIO when the RTI application was filed and at the time of issue of show cause notice till 19.07.2021 (show cause was issued on 28.06.2021) and Sh.Neeraj Kumar has now been transferred and posted at Dhar Kalan, District Pathankot.

Since the responsibility to ensure the timely transmission of correct information to the appellant lies on the PIO, and as per information, Sh.Neeraj Kumar was the PIO when the RTI application was filed and at the time of issue of show cause notice, Sh.Neeraj Kumar-PIO-Naib Tehsildar, Mamdot (now transferred and posted as Naib Tehsildar Dhar Kalan, Distt. Pathankot) is held guilty for not providing the information on time as prescribed under section 7, and repeatedly defying the orders of the Commission.

Further Sh.Neeraj Kumar, PIO-Naib Tehsildar Mamdot has also failed to provide information in complaint case No.114 of 2021 as well as not filed reply to the show cause notice even providing sufficient opportunity to file reply to the show cause notice, which implies that that the PIO has nothing to say on the matter.

Hence, given the above facts a penalty of **Rs.25,000/-** is imposed on the Sh.Neeraj Kumar, PIO-cum-Naib Tehsildar Mamdot (Now transferred and posted as Naib Tehsildar Dhar Kalan, Distt.Pathankot) in both complaint cases(CC-113 & CC-114 of 2021) which will be deposited in the Govt. Treasury. The PIO is directed to duly inform the Commission about the compliance of the orders by producing a copy of the challan as evidence of depositing the penalty in the Govt Treasury.

Complaint Case No. 113 of 2021

The present PIO-cum-Naib Tehsildar Mamdot is also given one last opportunity to comply the earlier order of the Commission and provide compensation amount to the complainant by way of a demand draft otherwise the Commission will be constrained to mark the case to the higher authority for disciplinary action against the PIO under section 20(2) of the RTI Act 2005.

To come up for further hearing on **28.06.2022 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Ferozepur.

Chandigarh
Dated :04.04.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to : Sh.Neeraj Kumar, Naib Tehsildar,
Dhar Kalan, District Pathankot.



Sh. Karnail Singh, S/o Sh Chhanga Singh,
New Azad Nagar,
Ferozpur City.

... Complainant

Versus

Public Information Officer,
O/o Naib Tehsildar, Mamdot,
Distt. Ferozpur.

...Respondent

Complaint Case No. 114 of 2021

PRESENT: Sh.Karnail Singh as the Complainant
Mrs.Jaswinder Kaur, Naib Tehsildar, Mamdot for the Respondent

ORDER:

The complainant through RTI application dated 26.11.2020 has sought information regarding the name of officers present during demarcation of the land of village Lakha Singh Wala bearing khewat No.393 by revenue department on 07.08.2020 relating to unauthorized mining – a copy of rule under which patwari signed the demarcation report and submitted to Mining Officer Ferozpur – a copy of demarcation report of village Lakha Singh Wala from 01.01.2020 to 01.11.2020 along with maps – a copy of movement register - name & address of the owners of land present during demarcation and other information as enumerated in the RTI application from the office of Tehsildar Ferozpur which transferred the same to Naib Tehsildar Mamdot, Distt. Ferozpur u/s 6(3) of the RTI Act. The complainant was not provided with the information after which the complainant filed a complaint in the Commission on 15.01.2021.

The case first came up for hearing on 28.06.2021 through video conferencing at DAC Ferozpur. The complainant claimed that the PIO had not provided the information.

The respondent was absent without any legitimate reasons for the absence. Since there has been an enormous delay of more than seven months in attending to the RTI application and the Tehsildar had not responded to the RTI application, 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.**

The PIO-Naib Tehsildar, Mamdot was again directed to provide whatever information is available on record.

On the date of hearing on **25.08.2021**, as per the appellant, the PIO had not supplied the information. The respondent was absent on 2nd consecutive hearing nor had filed a reply to the show-cause notice as well as not provided the information.

Since the PIO-Naib Tehsildar Mamdot, District Ferozpur was flouting the spirit of the RTI Act continuously and had not only shown utter disregard for the Commission's repeated orders to provide the information but had shown willful stubbornness in not replying to the Show Cause and not appearing before the commission despite various orders, to secure an erring PIO's presence before the commission, bailable warrants of the PI-Naib Tahsildar, Mamdot were issued Under Section 18(3) of the RTI Act through Senior Superintendent of Police, Ferozpur for his presence before the Commission on 27.10.2021.

Complaint Case No. 114 of 2021

On the date of the hearing on **27.10.2021**, the appellant informed that he had filed an RTI application on 26.11.2020 with the office of Tehsildar Ferozepur who transferred the same to Naib Tehsildar Mamdot. The Naib Tehsildar Mamdot further marked the same to Kanoongo on 03.12.2020. The Kanoongo called the appellant on 22.12.2020 and informed that the RTI had been lost and asked for a fresh copy of the RTI application which was again handed over to the Kanoongo Sh.Santokh Singh. However, no information has yet been provided by the PIO.

The respondent was again absent nor had sent any reply to the show cause notice as well not provided the information.

Since the responsibility to ensure the timely transmission of correct information to the appellant lies on the PIO, the PIO-Naib Tehsildar Mamdot was held guilty for not providing the information on time as prescribed under section 7, and repeatedly defying the orders of the Commission to provide the information. Further, since the appellant had to suffer undue inconvenience to get the information, the PIO-Naib Tehsildar Mamdot was directed to pay an amount of **Rs.10,000/-** via demand draft through Govt. Treasury as compensation to the appellant and submit proof of having compensated the appellant.

The decision on show cause was to be taken on the next date of hearing.

On the date of last hearing on **01.12.2021**, the appellant claimed that the PIO has not supplied the information nor had paid any compensation as per the order of the Commission.

The respondent present pleaded that she had just joined as Naib Tehsildar Mamdot on 29.11.2021 and the delay had occurred on the part of the earlier PIO.

The PIO was directed to comply with the earlier order of the Commission which still stands and provide information and pay the compensation amount to the appellant by way of a demand draft.

The PIO was also directed to send details of all PIOs deputed at Mamdot (Name of PIO/Date of posting/date of relieving charge/present posting) from the date of filing of RTI application till date.

Hearing dated 04.04.2022:

The case has come up for hearing today through video conferencing at DAC Ferozepur. The complainant informed that the PIO has neither supplied the information nor has paid compensation amount as per order of the Commission.

The PIO has also not filed reply to the show cause notice. Smt.Jaswinder Kaur, Naib Tehsildar Mamdot informed that Sh.Neeraj Kumar was the PIO when the RTI application was filed and at the time of issue of show cause notice till 19.07.2021 (show cause was issued on 28.06.2021) and Sh.Neeraj Kumar has now been transferred and posted at Dhar Kalan, District Pathankot.

Since Sh.Neeraj Kumar, PIO-Naib Tehsildar Mamdot has also failed to provide information in complaint case No.113 of 2021 as well as not filed reply to the show cause notice even after being provided sufficient opportunity, Sh.Neeraj Kumar, PIO-cum-Naib Tehsildar Mamdot (Now transferred and posted as Naib Tehsildar Dhar Kalan, Distt.Pathankot) is being penalized in both complaint cases(CC-113 & CC-114 of 2021).

Complaint Case No. 114 of 2021

However, since the present PIO-cum-Naib Tehsildar Mamdot has failed to pay the compensation amount to the complainant, the present PIO is given one last opportunity to comply the earlier order of the Commission and provide compensation amount to the complainant by way of a demand draft otherwise the Commission will be constrained to mark the case to the higher authority for disciplinary action against the PIO under section 20(2) of the RTI Act 2005.

To come up for further hearing on **28.06.2022 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Ferozepur.

Chandigarh
Dated :04.04.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to : Sh.Neeraj Kumar, Naib Tehsildar,
Dhar Kalan, District Pathankot.



Smt Amarjeet Kaur W/o Sh Darshan Singhn,
Village Khanpur, P.O Patel Nagar,
Distt Ferozepur..

... Appellant

Versus

Public Information Officer,
O/o SSP,
Ferozepur.

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

...Respondent

Appeal Case No. 3304 of 2021

PRESENT: Smt.Amarjit Kaur for the Appellant
Sh.Sukhdev Singh, ASI for the Respondent

ORDER:

The complainant through an RTI application dated 13.07.2021 has sought information regarding a copy of roznamcha of police station Zira from 11 to 13 July 2021 – a copy of Register No.19 – CCTV recording dated 11.07.2021 at 05.00 AM to 2.00 PM and 12.07.2021 from 2 to 5 PM – logbook of vehicles – allowing inspection and other information as enumerated in the RTI application from the office of SSP, Ferozepur. The complainant was not provided with the information after which the complainant filed a complaint in the Commission on 17.07.2021.

The case first came up for hearing on 31.01.2022 through video conferencing at DAC Ferozepur. Both the parties were absent.

The Commission received a reply of the PIO on 17.01.2022 which was taken on the file of the Commission. In the reply, it was mentioned that when the RTI was filed, the report of the concerned police station was not received and the reply was sent to the appellant on 21.07.2021. Thereafter, the concerned police station reported that since the enquiry in case No.62 dated 12.07.2021 against Sh. Paramjit Singh s/o Darshan Singh is pending, the information cannot be provided and the reply was again sent to the appellant vide letter dated 06.08.2021. The PIO further mentioned that the CCTV footage is confidential information, it cannot be provided as per Central Information Commission decision dated 12.12.2006 and is exempt u/s 8(1)(j).

Hearing dated 04.04.2022:

The case has come up for hearing today through video conferencing at DAC Ferozepur. The respondent present pleaded that they received the information from police station city Zira on 28.03.2022, but due to strike in the postal department, the information could not be sent/dispatched to the appellant. The respondent has now brought the information relating to point 1, 2 & 4 and handed it over to the appellant during the hearing. The respondent however pleaded that the information on point-4 (i.e. CCTV footage) cannot be provided under section 8(1)(h) as per decision No.FA.CIC/AT/A/2006/00300 dated 12.12.2006 of Central Information Commission.

Appeal Case No. 3304 of 2021

Having gone through the RTI application and hearing both the parties, it is concluded that the PIO will send the CCTV recording CD to the Commission at Chandigarh on the next date of hearing to decide on the matter. Other information stands provided.

To come up for further hearing on **07.06.2022 at 11.00 AM.**

Chandigarh
Dated :04.04.2022

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh Hansa Singh, S/o Sh Machhi Singh,
R/o Village Shamshabad,
Tehsil & Distt Fazilka.

... Appellant

Versus

Public Information Officer,
O/o District Manager,
PUNSUP, Ferozepur.

First Appellate Authority,
O/o District Manager,
PUNSUP, Ferozepur.

...Respondent

Appeal Case No. 3148 of 2021

PRESENT: None for the Appellant
Sh.Davinder Kumar, PIO for the Respondent

ORDER:

The appellant through an RTI application dated 05.04.2021 has sought information regarding draft note sent by PUNSUP Ferozepur to the Head office for issuing charge sheets to the employees due to crop loss in 2014-15 – the name of officials found responsible for the loss and other information as enumerated in the RTI application from the office of District Manager, PUNSUP Ferozepur. The appellant was not provided with the information after which the appellant filed a first appeal before the first appellate authority on 17.05.2021 which took no decision on the appeal.

The case first came up for hearing on 31.01.2022 through video conferencing at DAC Ferozepur. The respondent present informed that the information has been provided to the appellant.

The appellant claimed that the PIO has not supplied the information on point-3.

Having gone through the RTI application and hearing both the parties, the PIO was directed to provide information on point-3 if it exists in the record. And if not, to file an appropriate reply on an affidavit.

Hearing dated 04.04.2022:

The case has come up for hearing today through video conferencing at DAC Ferozepur. The respondent present pleaded that the information relating to point-3 is not available in the record and an affidavit in this regard has been sent to the Commission vide letter dated 29.03.2022.

As per record, no affidavit has yet been received in the Commission.

The appellant is absent and vide email has sought adjournment due to illness.

The case is adjourned. To come up for further hearing on **13.07.2022 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Ferozepur.

Chandigarh
Dated :04.04.2022

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh Hansa Singh, S/o Sh Machhi Singh,
R/o Village Shamshabad,
Tehsil & Distt Fazilka.

... Appellant

Versus

Public Information Officer,
O/o District Manager,
PUNSUP, Ferozepur.

First Appellate Authority,
O/o District Manager,
PUNSUP, Ferozepur.

...Respondent

Appeal Case No. 3159 of 2021

PRESENT: None for the Appellant
Sh.Davinder Kumar, PIO for the Respondent

ORDER:

The appellant, through an RTI application dated 01.04.2021, has sought information regarding a copy of letters sent to the District Manager, PUNSUP, with a copy to MD PUNSUP Chandigarh on 12.12.2015, 19.01.2016, 21.10.2016, 08.02.2016 & 02.03.2016 and action taken on these letters by Head office and other information as enumerated in the RTI application from the office of District Manager, PUNSUP Ferozepur. The appellant was not provided with the information, after which the appellant filed a first appeal before the first appellate authority on 05.05.2021, which did not decide on the appeal.

The case first came up for hearing on 31.01.2022 through video conferencing at DAC Ferozepur. As per the appellant, the PIO has not supplied the information.

As per the respondent, no such applications existed in their record.

The PIO was directed to file a suitable affidavit stating that the sought information is not available as per their records.

Hearing dated 04.04.2022:

The case has come up for hearing today through video conferencing at DAC Ferozepur. The respondent present pleaded that in compliance with the order of the Commission, an affidavit has been sent to the Commission vide letter dated 29.03.2022.

As per record, no affidavit has yet been received in the Commission.

The appellant is absent and, vide email has sought adjournment due to illness.

The case is adjourned. To come up for further hearing on **13.07.2022 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Ferozepur.

Chandigarh
Dated :04.04.2022

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh Lajpat Rai, S/o Sh Harbans Lal,
R/o Roamana Street, Tehsil Jaito,
Distt Faridkot.

... Appellant

Versus

Public Information Officer,
O/o Deputy Director,
Local Bodies, Ferozepur.

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

...Respondent

Appeal Case No. 2150 of 2021

PRESENT: Sh.Lajpat Rai as the Appellant
None for the Respondent

ORDER:

The appellant through an RTI application dated 11.01.2021 has sought information on 07 points regarding first joining report, promotion of Pinki Rani employee along with service book – copy records/letters received from head office Chandigarh Vigilance officer Chandigarh, DC Faridkot, EO-NC Jaitu and recent letter dated 08.01.2021 and other information as enumerated in the RTI application concerning the Deputy Director Local Bodies, Ferozepur. The appellant was not provided with the information after which the appellant filed a first appeal before the First Appellate Authority on 13.03.2021 which took no decision on the appeal.

The case first came up for hearing on 24.11.2021 through video conferencing at DAC Faridkot. The appellant claims that the PIO has not supplied the information.

The respondent was absent nor provided the information.

The RTI application was 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 send a point-wise reply to the appellant with a copy to the Commission and appear before the Commission on the next date of hearing along with the explanation for not attending to the RTI application within the time prescribed under the RTI Act.

Hearing dated 04.04.2022:

The case has come up for hearing today through video conferencing at DAC Faridkot. As per appellant, the PIO has not supplied the information.

The respondent is absent. Vide letter received in the Commission on 11.03.2022, the Superintendent, Addl. Deputy Commissioner(Urban) Ferozepur has informed that the office of Regional Deputy Director, Local Govt. has been dissolved vide Govt notification dated 21.05.2021 and in its place, another office in the name of Additional Deputy Commissioner (Urban Development) has been formed in each district. However, the information available in this office has been provided to the appellant and the entire record has been transferred to Additional Deputy Commissioner (UD) Faridkot vide letter dated 26.07.2021 & 07.01.2022.

Appeal Case No. 2150 of 2021

Since as per information from the office of ADC(UD) Ferozepur, the record has been transferred to newly formed office of ADC(UD), Faridkot, the appellant is directed to point out the discrepancies in the information if any to the office of ADC(UD), Faridkot with a copy to the Commission and the PIO-ADC(UD) Faridkot is directed to remove the same.

The case is adjourned. To come up for further hearing on **20.07.2022** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Faridkot.

Chandigarh
Dated :04.04.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to : 1. PIO-ADC(UD), Ferozepur
2. PIO-ADC(UD), Faridkot.



Sh Lajpat Rai, S/o Sh Harbans Lal,
R/o Roamana Street, Tehsil Jaito,
Distt Faridkot.

... Appellant

Versus

Public Information Officer,
O/o Deputy Director,
Local Bodies, Ferozpur Cantt.

First Appellate Authority,
O/o Deputy Director,
Local Bodies, Ferozpur Cantt.

...Respondent

Appeal Case No. 2151 of 2021

PRESENT: Sh.Lajpat Rai as the Appellant
None for the Respondent

ORDER:

The appellant through an RTI application dated 13.01.2021 has sought information regarding full record file complaint against Ashok Kumar EO in Feb2020 Govt notification about promotion class-C - Proceeding done against Ramesh Kumar employee MC Jaitu on the complaint dated 04.02.2020 – a copy of the order of Kiran Clerk of MC Ferozpur to MC Jaitu and other information as enumerated in the RTI application concerning the Deputy Director Local Bodies, Ferozpur. The appellant was not provided the information after which the appellant filed a first appeal before the First Appellate Authority on 16.02.2021 which took no decision on the appeal.

The case first came up for hearing on 24.11.2021 through video conferencing at DAC Faridkot. The appellant claimed that the PIO has not supplied the information.

The respondent was absent nor had provided the information.

The RTI application was not legible. The appellant was directed to send a typed legible copy of RTI application with a copy to the PIO.

The PIO was directed to send a point-wise reply to the appellant with a copy to the Commission and appear before the Commission on the next date of hearing along with the explanation for not attending to the RTI application within the time prescribed under the RTI Act.

Hearing dated 04.04.2022:

The case has come up for hearing today through video conferencing at DAC Faridkot. As per appellant, the PIO has not supplied the information.

The respondent is absent. Vide letter received in the Commission on 14.03.2022, the Superintendent, Addl. Deputy Commissioner(Urban) Ferozpur has informed that the office of Regional Deputy Director, Local Govt. has been dissolved vide Govt notification dated 21.05.2021 and in its place, another office in the name of Additional Deputy Commissioner (Urban Development) has been formed in each district. However, the information available in this office has been provided to the appellant and the entire record has been transferred to Additional Deputy Commissioner (UD) Faridkot vide letter dated 26.07.2021 & 07.01.2022.

Appeal Case No. 2151 of 2021

Since as per information from the office of ADC(UD) Ferozepur, the record has been transferred to newly formed office of ADC(UD), Faridkot, the appellant is directed to point out the discrepancies in the information if any to the office of ADC(UD), Faridkot with a copy to the Commission and the PIO-ADC(UD) Faridkot is directed to remove the same.

The case is adjourned. To come up for further hearing on **20.07.2022** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Faridkot.

Chandigarh
Dated :04.04.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to : 1. PIO-ADC(UD), Ferozepur
2. PIO-ADC(UD), Faridkot.



Sh Lajpat Rai, S/o Sh Harbans Lal,
R/o Roamana Street, Tehsil Jaito,
Distt Faridkot.

... Appellant

Versus

Public Information Officer,
O/o Deputy Director,
Local Bodies, Ferozpur Cantt.

First Appellate Authority,
O/o Deputy Director,
Local Bodies, Ferozpur Cantt.

...Respondent

Appeal Case No. 2152 of 2021

PRESENT: Sh.Lajpat Rai as the Appellant
None for the Respondent

ORDER:

The appellant through an RTI application dated 17.02.2021 has sought information regarding A/c-367/2 in which Viny Rani issued wrong letter No.15721 on 09.10.2020 relating to dismissal of clerk Davinder Kumar and other information as enumerated in the RTI application concerning the Deputy Director Local Bodies, Ferozpur Cantt. The appellant was not provided with the information after which the appellant filed a first appeal before the First Appellate Authority on 13.03.2021 which took no decision on the appeal.

The case first came up for hearing on 24.11.2021 through video conferencing at DAC Faridkot. The appellant claimed that the PIO has not supplied the information.

The respondent was absent nor had provided the information.

The copy of the RTI application with the commission was not legible. The appellant was directed to send a typed legible copy of the RTI application to the Commission with a copy to the PIO.

The PIO was directed to send a point-wise reply to the appellant with a copy to the Commission and appear before the Commission on the next date of hearing along with the explanation for not attending to the RTI application within the time prescribed under the RTI Act.

Hearing dated 04.04.2022:

The case has come up for hearing today through video conferencing at DAC Faridkot. As per appellant, the PIO has not supplied the information.

The respondent is absent. Vide letter received in the Commission on 14.03.2022, the Superintendent, Addl. Deputy Commissioner(Urban) Ferozpur has informed that the office of Regional Deputy Director, Local Govt. has been dissolved vide Govt notification dated 21.05.2021 and in its place, another office in the name of Additional Deputy Commissioner (Urban Development) has been formed in each district. However, the information available in this office has been provided to the appellant and the entire record has been transferred to Additional Deputy Commissioner (UD) Faridkot vide letter dated 26.07.2021 & 07.01.2022.

Appeal Case No. 2152 of 2021

Since as per information from the office of ADC(UD) Ferozepur, the record has been transferred to newly formed office of ADC(UD), Faridkot, the appellant is directed to point out the discrepancies in the information if any to the office of ADC(UD), Faridkot with a copy to the Commission and the PIO-ADC(UD) Faridkot is directed to remove the same.

The case is adjourned. To come up for further hearing on **20.07.2022** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Faridkot.

Chandigarh
Dated :04.04.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to : 1. PIO-ADC(UD), Ferozepur
2. PIO-ADC(UD), Faridkot.

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden, Sector 16, Chandigarh.
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Visit us: - www.infocommpunjab.com



Sh. Tarsem Singh, S/o Sh. Nishan Singh,
Roj Avenue, Chamiani
Road, Ajnala, Amritsar .

...Appellant

Versus

Public Information Officer
O/o Addl, SE (Operational),
PSPCL, Division Ajnala,
Distt Amritsar.

First Appellate Authority,
O/o Chief Engineer, Border Zone,
Amritsar.

...Respondent

Appeal Case No. 3057 of 2019

PRESENT: Sh. Tarsem Singh as the Appellant
Sh. Aneeshdeep Singh, Sr. Xen for the Respondent

ORDER:

The appellant, through RTI application dated 30.04.2019, sought information regarding a copy of the application form/request dated 25.08.2015 for electric connection No.A11SA441492M alongwith copy of bills issued and other information from the office of Addl. SE (Operational), PSPCL Division Ajnala. The appellant was not provided with the information, after which the appellant filed the first appeal before the First Appellate Authority on 20.05.2019, which did not decide on the appeal. After filing first appeal, the PIO sent a reply to the appellant vide letter dated 27.06.2019. On being not satisfied with the information, the appellant filed 2nd appeal in the Commission on 21.08.2019.

On the date of the hearing on 30.12.2019, the representative appeared on behalf of the appellant and informed that the PIO has not provided the complete information. The respondent was absent. The PIO was directed to relook at the RTI application and provide the complete information to the appellant within 10 days.

On the next date of hearing which was held on **17.03.2020**, the appellant claimed that the PIO has not provided the information. The respondent was absent on the 2nd consecutive hearing. The PIO-Addl. SE(Operational), PSPCL Division Ajnala was issued a **show-cause notice under Section 20 of the RTI Act 2005 and directed to file a reply on an affidavit**. The PIO was again directed to provide the complete information within 10 days of the receipt of this order.

On the hearing date on 04.08.2020, the appellant claimed that the PIO has not provided the information. The PIO-Additional SE (Operational) PSPCL, Division Ajnala, was absent on 3rd consecutive hearings nor had filed reply to the show-cause notice. To secure an erring PIO's presence before the Information Commission, a bailable Warrant under section 18(3) of the RTI Act of the PIO-Additional SE (Operational) PSPCL, Division Ajnala was issued through Senior Superintendent of Police, Amritsar for his presence before the Commission on **15.09.2020**.

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On the date of hearing on **15.09.2020**, the respondent was present at Chandigarh and informed that the information has been provided to the appellant vide letter dated 03.09.2020 with a copy to the Commission. The Commission had received the copy of the information on 09.09.2020, which had been taken on the file of the Commission.

The appellant was not satisfied. After going through the information provided and hearing both the parties, the following was concluded:

- Point-1 - Information provided
- Point-2 - Information provided. Appellant not satisfied. The PIO to give in writing on an affidavit that the meter number was wrongly entered, but the same has been corrected.
- Point-3 - PIO to give reply on an affidavit
- Point-4 - PIO to give reply on an affidavit

The PIO submitted a reply to the show-cause notice, which was taken on the file of the Commission. The decision on the show cause to be taken on the next date of hearing.

A copy of the order was sent to the Superintending Engineer, PSPCL Sub-urban, Circle Amritsar to inquire into the matter of mismatch of meter serial number and submit a detailed enquiry report to the Commission.

On the data of the hearing on **09.11.2020**, as per the appellant, the PIO had not provided the information. The PIO was absent, nor had compiled the order of the Commission.

It was also observed that respondent Sh.Gurmeet Singh was present in another appeal case No.909 of 2019 but had chosen not to appear in this particular case. Looking at the history of the case, as well as the non-compliance of the last order and the attitude of the respondent while disseminating information, it was clear that the respondent had willfully denied the information.

Since the appellant to collect the information had to suffer undue inconvenience, the PIO-Addl.SE(Operational) PSPCL Division Ajnala was directed to pay an amount of **Rs.3000/-** via demand draft as compensation to the appellant and submit proof of having compensated the appellant. The PIO was again directed to comply with the Commission's earlier order. The decision on the show cause notice will be taken at the next date of the hearing.

On the date of the hearing on **09.03.2021**, due to non-functioning of the VC at DAC Amritsar, hearing could not take place. The case was adjourned.

On the date of hearing on **18.05.2021**, as per r representative of the appellant, the PIO neither provided the affidavit nor had paid compensation as per the order of the Commission.

The respondent informed that he had sent an affidavit to the Commission on 07.01.2021 and was carrying a copy of the same The respondent provided a copy of the affidavit to the appellant's representative. The respondent assured to pay the compensation amount to the appellant within 2-3 days.

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The respondent was directed to pay the compensation amount to the appellant within a week and send compliance report to the Commission.

At the hearing, it also transpired that the respondent who had filed an affidavit to the show cause of 17.03.2020 was an APIO in this case.

The PIO, in this case, is Superintending Engineer (Operation), PSPCL, Sub-urban, Amritsar, who never appeared nor had filed a reply for the delay in providing the information. Since the onus to provide the information is on the PIO, the PIO-SE(Operation) PSPCL was issued a **show-cause notice under Section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period as well as for non-appearance.** He/she should file an affidavit in this regard. The PIO was also directed to appear personally on the next hearing date.

On the date of hearing on 31.08.2021, the respondent informed that the compensation amount has been paid to the appellant via DD No.150838 dated 21.05.2021, and the appellant has received the same.

The appellant informed that the PIO has neither provided complete information nor an affidavit as per the order of the Commission. The PIO assured to sort out all the discrepancies in the information/provide an affidavit within a week.

The PIO, however, did not file reply to the show cause notice, for which the PIO was given one last opportunity.

On the date of the last hearing on **29.03.2022.**, the respondent present pleaded that pursuant to an earlier order of the Commission, an affidavit filed by the PIO was sent to the Commission on 01.09.2021, and a copy of the same was sent to the appellant by registered post on 16.09.2021.

As per the appellant, he had not received the original affidavit from the respondent PIO.

The PIO was directed to provide fresh affidavit to the appellant as per earlier order and send a copy to the Commission. The PIO was also directed to file a reply to the show cause notice within three days, 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 section 20 of the RTI Act.

Hearing dated 04.04.2022:

The case has come up for hearing today through video conferencing at DAC Amritsar. The appellant is present at Chandigarh and informed that the PIO has not provided the affidavit as per order of the Commission.

The respondent is present at Amritsar and has brought the affidavit.

The PIO is directed to provide a fresh affidavit by mentioning all points stated in the RTI application. The PIO is also directed to file reply to the show-cause notice.

The appellant is directed to collect the affidavit from the PIO by visiting their office on 05.04.2022.

Further an enquiry was marked to Superintending Engineer, PSPCL Sub-urban, Circle Amritsar with the direction to enquire into the matter of mismatch of meter serial number and submit a detailed enquiry report to the Commission. However, no enquiry report has been received.

The **Superintending Engineer, PSPCL Sub-urban, Circle Amritsar** is again directed to send enquiry report to the Commission

The case is adjourned. To come up for further hearing on **23.05.2022 at 11.00 AM** through a video conference facility available in the office of Deputy Commissioner, Amritsar.

Chandigarh
Dated :04.04.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to: Superintending Engineer(Operations),
PSPCL Sub-urban, Circle Amritsar