



By Registered Post

Sh. Baljeet Singh Gill,
S/o Sh. Gurcharan Singh,
R/o Village- Kokari Kalan,
Patti Nangal, Distt. Moga.

Appellant

Versus

Public Information Officer,
O/o Block Development and Panchayat Officer,
Block-1, Moga.

First Appellate Authority,
O/o District Development and Panchayat Officer,
Moga.

Respondents

Appeal Case No.2/2019

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
13.09.2018	Nil	25.10.2018	Nil	12.12.2018

Present: Appellant- Sh. Baljit Singh Gill.

Respondents- None.

ORDER

The following order was passed on 23.07.2019:

Having failed to procure the information on his application dated 25.10.2018 and even filing of the first appeal, the appellant has been constrained to file 2nd appeal with the Commission. The Commission finds that the information involved is for a period of 5 years which may ultimately pile up to a voluminous bunch. Such an indiscriminate provision by Xeroxing the copies in massive bulk does not seem in public interest. The respondents should allow the appellant an inspection of complete record within 7 days of the receipt of this order after intimating him the definite date, time and venue and thereafter, furnish him the copies of the documents upto 200 pages only which should be relevant to his cause. In case the appellant is still not satisfied, he may approach the BDPO to convince him about the insufficiency of quantum who shall decide the further requisition on merits.

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In the meanwhile, while taking cognizance of the violation under Section 7(i) of the RTI Act, the Commission issues a show cause notice to the BDPO Moga 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.”

The matter has come up today. The respondents are absent on consecutive hearings, even in the face of the fact that a show cause notice for imposition of penalty is issued. The BDPO has shown a scant regard and defiance to the directions passed by the Commission as reproduced above. The Commission is not left with any alternative, but to penalize him.

Exercising 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 on the PIO, O/o BDPO,

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Block-I, Moga, to be recovered from the salary in two equal installments from the month of October 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.

To come up on **29.10.2019 at 11.30 AM.**

05.09.2019

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

Ms Priti Puri,
R/o # 1803, Ground Floor,
Housefed Complex,
Phase-X, Mohali.

Appellant

Versus

Public Information Officer,
O/o Director,
Rural Dev. & Panchayats, Punjab,
Phase-8 S.A.S Nagar.

First Appellate Authority,
O/o Director of Rural and Development Panchayats,
Punjab, Phase-8, S.A.S Nagar.

Respondents

Appeal Case No.3032/2018

ate of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA
21.03.2018	Nil	28.04.2018	Nil

Present: Appellant- None.
Respondents- Sh. Tejinder Singh, Sr. Assistant, O/o DPI (EE), Punjab.

ORDER:

The following order was passed by this forum on 23.07.2019:-

30.05.2019

"The appellant had sought to know the information about vacancy position in the year 2007 for the recruitment of teachers in the office of Zila Parishad, Amritsar.

The respondents state that the entire record has been transferred to the Department of Education and this information is likely to be available in the office of the District Education Officer (EE), Amritsar. They were required to immediately transfer her application to the concerned Public Authority under Section 6(3) of the RTI Act. Nonetheless, they are directed to locate the source of information and transfer the application to the Public Authority within three days from today. The concerned Authority shall provide the information within thirty days of receipt of the communication."

"The case has come up today. Sh. Jasbir Singh, Sr. Assistant appearing on behalf of the respondents submits that in compliance with the order of the Commission, her application was transferred to the ADC (Dev.), Amritsar.

The Additional Deputy Commissioner (Dev.), Amritsar is required to file a reply besides arranging to provide the information before the next date of hearing positively."

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Appeal Case No.3032/2018

Sh. Jasbir Singh, Senior Assistant appearing on behalf of the respondents submits that the entire record has been transferred to the Director of Public Instructions (EE), Punjab, Phase - VIII, SAS Nagar (Mohali). The appeal is directed to the Director, Public Instructions (EE), Punjab, with the direction to do the needful quickly. The Commission understands that the Rural Development and Panchayats Department has provided the information available with them. Accordingly, they are exempt from further appearance in the proceedings."

The matter has again been taken up today. Vide aforesaid order the DPI (EE) was directed to provide the information as the Director of Rural Development & Panchayats, Pb., had conveyed in writing that the entire record from scratch was transferred to the DPI (EE).

The proxy of the DPI (EE) today appeared and has submitted a memo wherein they have denied the receipt of record in contention. They have desired to know the relevant memo under which the record in contention was transferred. Their contention seems logical. The Director of Rural Dev. & Panchayats, Punjab, vide order dated 12.03.2019 were exempt from hearing. As the DPI (EE) denies their contention they are once again directed to communicate to the Commission the letter or memo vide which the record as claimed by them, was transferred to the DPI (EE).

It is an important issue. About more than 1500 teachers were recruited in the year 2007. The contention that advertisement in the newspapers vide which the applications were sought, is not traceable does not cut ice. The respondents in both the departments are directed to put down their head in locating the advertisement in question failing which the Commission shall take adverse cognizance of the same and proceed to impose penalty for the default"

In the express orders of the Commission, the PIO in the office of Director, Rural Development & Panchayats is directed to convey the details of the dispatch with which the record was sent to the DPI (EE). The respondents are absent. No communication has been received about the compliance of directions. The Commission takes strong exception to the cavalier conduct of the respondents and the PIO in the office of Director, Rural Development & Panchayats, Punjab, Mohali

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APPEAL CASE NO. 3032/2018

is hereby issued 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.”

23.07.2019

“The matter has again come up today. PIO in the office of Director, Rural Development & Panchayats, Punjab is absent on trot. Nothing has been heard from them as well. The Commission underlines that the PIO is already under show cause notice for imposition of penalty. Final opportunity is given to the PIO to provide the information and explain his conduct. No further opportunity shall be afforded and the case shall be finalized on the basis of record available on file.”

The case has come up today. Despite having afforded numerous opportunities, the PIO in the O/o the Director, has failed to provide the information. They have shown a complete defiance and disregard to the various directions passed by the Commission.

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APPEAL CASE NO. 3032/2018

Thus, holding him guilty under section 7(1), the Commission, while exercising its authority under section 20 (1) of the RTI Act, imposes a penalty of Rs. 10,000/- (Ten Thousand only) in lump sum on the PIO, O/o Director, Department of Rural Development and Panchayat, to be recovered from the salary in two equal installments from the month of October 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.

Disposed.

05.09.2019

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



By Registered Post

Sh. Kuldeep Kumar
S/o Late Sh.Mulkh Raj,
Village Shahar (Chhanni)
PO Ferozepur Kalan,
Tehsil & Distt. Pathankot.

Complainant

Versus

Public Information Officer,
O/o Block Development and Panchayat Officer,
Sujanpur, District Pathankot.

Respondent

Complaint Case No.205/2019

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
17.01.2019	Nil	Nil	Nil	20.02.2019

Present: Complainant- Sh. Kuldeep Kumar, Advocate.
Respondent- None.

ORDER:

The Commission had made the following order on 31.07.2019:

The complainant has sought to know the BPL cards having been issued by the BDPO Sujanpur during the period 2013 to 2018. Information about some alleged illegal mining from a canal abutting the village mentioned in the address of the appellant has also been asked.

The respondent regrets the delay in providing the information due to his pre-occupation with the Parliamentary elections. He says that he is the recent incumbent and assures the Commission to provide the information immediately. The respondent is directed to transmit the information within 7 days from today positively under intimation to the Commission failing which the penal consequences shall follow.

31.07.2019

The case has come up today. The respondent is absent in the V.C. The complainant who is present in the hearing at Chandigarh denies having received the information. The respondents have shown indifference and defiance to the directions issued above.

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Complaint Case No.205/2019

The Panchayat Secretary who is deemed PIO, is hereby issued 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 Complainant under Section 19 (8) (b) of the Act for the detriment suffered by him.

In addition to the written reply, the Panchayat Secretary 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.

Meanwhile, he is directed to appear in person on the next date of hearing at Chandigarh along with the entire record.”

The case has come up today. The PIO is neither present nor has filed reply to the show cause notice issued to him. Finding him the guilty of offence as delay is beyond 100 days, the Commission, while exercising its authority under section 20 (1) of the RTI Act, imposes him a penalty of Rs. 10,000/- (Ten Thousand only) in lump sum, to be recovered from the salary in two equal installments from the month of October onwards by challan. The

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Complaint Case No.205/2019

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.

05.09.2019

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