

**PUNJAB STATE INFORMATION COMMISSION**  
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Shri. H.S. Hundal, Advocate,  
#82, District Courts,  
S.A.S. Nagar.

.....Appellant

Versus

Public Information Officer,  
O/o Chief Secretary, Punjab,  
Chandigarh.

First Appellant Authority,  
O/o Chief Secretary, Punjab,  
Chandigarh.

..Respondent

**Appeal Case No. 3788 of 2016**

**ORDER**

The Order was reserved on 10.07.2019 after hearing the appellant and the PIO on the Show Cause Notice.

Shri H.S.Hundal, appellant filed RTI application dated 10.08.2016 through which he sought information regarding his complaint dated 07.07.2016 and the RTI application is as follows:

“ The PIO,  
O/o Chief Secretary,  
Punjab.

Please supply the following information pointwise in certified form regarding Applicant's Complaint concerning compensation of NH 71 dated 07.07.2016 titled as 'Request for detailed and minute investigation of entire process of calculation and disbursement of sum of Rs.257 crores by SDM, Moga to unearth glaring illegalities in the procedure, as there is apprehension of misappropriation and embezzlement of crores of public money' :

1. Certified copy of the complaint, and certified copies of subsequent orders by this office to all authorities regarding the investigation/inquiry of this complaint.
2. Certified copies of all file notings concerning this case since its receiving.
3. Certified copy of all replies/reports/opinions/letters received by the Inquiry Officer from all concerned, regarding the Inquiry of this Complaint.
4. Certified copy of the complete Inquiry Report and all statements recorded in this Inquiry till date.
5. Certified copies of documents showing subsequent actions taken after completion of Inquiry.
6. Certified copies of all notices sent pertaining to this inquiry and Certified copies of all representations by all concerned.
7. Certified copy of all documents/record summoned or inspected by the Inquiry officer.
8. Certified copies of each and every document related with this Case/Inquiry till date.
9. Certified copies of all letters by the Inquiry Officer requesting for extension in time for conducting this investigation.
10. Copies of entire correspondence with all concerned Offices pertaining to this case.”

The First Appeal was filed before the First Appellate Authority on 15.09.2016 and when no information was provided to the appellant then he filed Second Appeal before the Punjab State Information Commission on 21.11.2016.

The case was heard by the Hon'ble Chief Information Commissioner, Punjab, Dr. S.S. Channi and notice of hearing was issued to both the parties for 18.01.2017. Then the case was transferred by the Hon'ble Chief Information Commissioner, Punjab to the Bench of Hon'ble State Information Commissioner, Punjab, Dr. Pawan Kumar Singla vide Order dated 27.03.2017.

Hon'ble State Information Commissioner, Punjab, Dr. Pawan Kumar Singla requested to send the case file to the Bench of Hon'ble State Information Commissioner, Punjab, Shri Alwinderpal Singh Pakhokhe vide Order dated 31.08.2017.

Then the case file was sent to the present Bench and notice of hearing was issued to both the parties for 13.11.2017.

The PIO transferred the RTI application to the PWD Department vide letters dated 05.10.2016 and 16.12.2018. Shri Shavinder Singh, PIO-cum-Under Secretary, PWD B&R Department, Punjab replied that the PWD department has no concern with the case and the information is not related with their department.

On 10.05.2018 Shri Sanjay Goswami, APIO-cum-Sr. Asstt. has come present and stated that the Inquiry is pending before the Divisional Commissioner, Ferozepur and yet has not been completed.

On 29.08.2018, Shri Davinder Pal Singh, PIO-cum-Suptd., PCS Branch, Personnel Department, O/o Chief Secretary, Punjab was present and a Show Cause Notice was issued to him that why the information has not been provided to the appellant within the stipulated period and so why you may not be penalized under the provisions of the RTI Act, 2005.

On 14.11.2018, Shri Manoj Garg, Sr. Asstt. was present on behalf of the PIO and he submitted that Inquiry is pending before the Commissioner, Faridkot.

On 18.12.2018, Shri Manoj Garg, Sr. Asstt. was present on behalf of the PIO and he filed reply to the Show Cause Notice through affidavit dated 15.10.2018 and a compensation of Rs.5,000/- was awarded in favour of the appellant to be paid by the public authority through Demand Draft.

During discussions with both the parties it was found that the information sought by the appellant regarding point nos. 1, 2, 3, 8 and 9 of the RTI application is related with the office of the PIO, whereas other points of information is related with the Inquiry, which was still pending and information regarding point nos. 1, 2, 3, 8 and 9 of the RTI application was provided to the appellant by the PIO.

The PIO, Shri Davinder Pal Singh brought this fact to the notice of the Bench that the Inquiry is still pending before the Divisional Commissioner, Ferozepur which is yet has not been completed and whenever the Inquiry will be completed the report of the Inquiry will be provided to the appellant.

A Show Cause Notice was issued to Shri Davinder Pal Singh, PIO-cum-Suptd., O/o Chief Secretary, Punjab that why the information has not been provided to the appellant within the stipulated period and so why you may not be penalized under the provisions of the RTI Act, 2005. He filed reply to the Show Cause Notice through affidavit dated 15.10.2018.

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I have heard the appellant and the PIO on the Show Cause Notice on 10.07.2019 and also gone through the affidavit dated 15.10.2018 filed by the PIO. It is submitted in the reply/affidavit by the PIO that the complaint is regarding the embezzlement of Rs.257 crores, which was directly issued to SDM, Moga as disbursing authority and it is further submitted that complaint is still pending for inquiry before the Divisional Commissioner, Ferozepur. It is further submitted in the affidavit that letter dated 17.05.2018 was written to the Divisional Commissioner, Ferozepur with a direction to complete the Inquiry and send the matter to the Govt. along with Inquiry Report and again letters were sent to the Divisional Commissioner, Ferozepur time to time i.e. 30.05.2018, 18.07.2018, 14.09.2018 and 24.09.2018, but inspite of all this no Inquiry Report has been received by the Govt. till the filing of the reply by the PIO. The PIO has informed the appellant regarding the communication by the office of the PIO with the Inquiry Officer i.e. the Divisional Commissioner, Ferozepur.

I have heard both the parties and also gone through the contents of the reply/affidavit dated 15.10.2018. The PIO has provided the information to the appellant regarding point nos. 1, 2, 3, 8 and 9 which was related with the office of the PIO and other points are related with the complaint dated 07.07.2016. The information can only be provided after the receipt of the Inquiry Report to be sent by the Inquiry Office i.e. the Divisional Commissioner, Ferozepur.

So, I am of the view that the PIO has to provide the information to the applicant only after receipt of the Inquiry Report. When the Inquiry is still pending and has not been concluded by the Inquiry Office, then the PIO is unable to provide the sought for information to the applicant/appellant. So, the PIO is not at fault as the Inquiry has not been completed by the Inquiry Officer. Hence, the Show Cause Notice issued to the PIO is hereby dropped and filed.

A compensation of Rs.5,000/- was awarded in favour of the appellant to be paid from the funds of public authority and in compliance the PIO sent the Demand Draft to the appellant through letter no.1527376/2 dated 19.07.2019. The copy of the said letter was received in the office of the Commission on 22.07.2019 and diarized vide no.13907. So, the PIO has complied with the Order of the Commission and paid the compensation of Rs.5,000/- to the appellant.

The matter involving in the present appeal case is of very serious nature which cast a doubt in the "calculation and disbursement of a sum of Rs.257 crores by SDM, Moga to unearth glaring illegalities in the procedure, as there is apprehension of misappropriation and embezzlement of crores of public money" as mentioned in the complaint dated 07.07.2016 filed by the appellant/applicant, Shri H.S. Hundal.

The PIO is directed that he should put up the matter before the Hon'ble Chief Secretary, Punjab and appropriate instructions be issued to the Inquiry Officer-cum-Divisional Commissioner, Ferozepur by the Hon'ble Chief Secretary, Punjab to complete the Inquiry within a limited time period probably within two months and on the receipt of the Inquiry Report of the Inquiry Officer regarding the complaint dated 07.07.2016, the sought for information as was sought by the appellant/applicant through his RTI application dated 11.08.2016, be sent to the appellant through registered post within 15 days from the receipt of the Inquiry Report.

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With this observation the present appeal case is **disposed of and closed** and Order is pronounced and be intimated to the parties.

Copy of Order be sent to the Hon'ble Chief Secretary, Punjab for the compliance of the Order.

**Dated: 07.08.2019**

**(Avtar Singh Kaler)  
State Information Commissioner, Punjab.**

**Copy to : Hon'ble Chief Secretary, Punjab – for compliance of the Order.**