

PUNJAB STATE INFORMATION COMMISSION
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registered post.

Sh. Devan Munjal,
Ward No-13, Near Usha Nursing Home,
Gidderbaha.

... Complainant

Versus

Public Information Officer,
O/o Tehsildar, Gidderbaha,
Distt Sri Mukatsar Sahib.

First Appellate Authority,
O/o SDM, Gidderbaha,
Sri Mukatsar Sahib.

...Respondent

Complaint Case No. 1099 of 2018

Present: None for the Complainant
None for the Respondent

ORDER:

This order should be read in continuation to the earlier order.

On the date of hearing on **21.05.2019**, the appellant claimed that despite order of the Commission, the PIO neither provided the information, nor cooperated to inspect the record. The respondent was absent. The PIO was issued a **show cause notice under section 20 of the RTI Act and** directed to file reply on an affidavit. The PIO was also directed to bring the record regarding information relating to points 6 & 7 to the Commission on the next date of hearing.

On the date of hearing on **17.07.2019**. The appellant was absent. The respondent present from the office of Warehousing Corporation pleaded that the matter does not relate to them and he has been ordered to attend the hearing only. The PIO was absent nor had sent any reply to the **show cause notice**. The PIO was granted one last opportunity to comply with the earlier order of the Commission and appear personally before the Commission on the next date of hearing alongwith written reply to the show cause on an affidavit.

On **29.10.2019**, the respondent present pleaded that the information has already been sent to the complainant. The PIO however, did not submit reply to the show cause notice issued on 21.05.2019. The complainant was absent.

On the date of hearing on **23.12.2019**, the respondent present pleaded that the information has been provided to the appellant. The appellant stated that the PIO has not provided copy of mortgage deed regarding point-6. The PIO was directed to provide the copy of mortgage deed and if not available to give in writing on an affidavit. Rest of the information had been provided. The PIO however, did not submit reply to the show cause notice issued on 21.05.2019. The PIO was directed to submit reply to the show cause notice on an affidavit.

On the date of hearing on **17.03.2020**, the respondent present pleaded that the information regarding point-6 (mortgage deed) is not available in the record. The PIO was directed to give this in writing on an affidavit. The Commission has received reply to the show cause notice from the PIO through email which was taken on the file of the Commission.

The complainant was absent and vide email had sought adjournment.

Complaint Case No. 1099 of 2018

The case was last heard on **03.08.2020** through video conferencing at DAC Sri Mukatsar Sahib. The respondent present pleaded that in compliance with the order of the Commission, an affidavit regarding information relating to point-6 has been given to the complainant.

The complainant however, pleaded that even though the information had been provided by the PIO, it was with a delay of more than two and half years. Henceforth, the PIO may be penalized and he(appellant) may be compensated for undue harassment in getting the information.

The information had been provided. However, the Commission agreed with the appellant that he had to suffer undue inconvenience to get the information, making it a fit case for awarding compensation to the appellant u/s 19(8)(b) of the RTI Act.

The PIO was directed to pay an amount of **Rs.5000/-** via demand draft drawn through Govt. Treasury as compensation to the appellant for the loss and detriment suffered by him of having to file the appeals and not getting information in time. The PIO was directed to duly inform the Commission of the compliance of the order and submit proof of having compensated the appellant.

The decision on the show cause notice issued to the PIO to be taken on the next date of hearing.

Hearing dated 08.09.2020:

The case has come up for hearing today through video conferencing at DAC Sri Mukatsar Sahib. Both the parties are absent. The Commission has received an email from the PIO stating that since due to some officials of SDM office having been found corona positive, the SDM has ordered all the staff of SDM office and Tehsil office to remain home quarantined from 05.09.2020 to 08.09.2020, he is unable to attend the hearing.

The case is adjourned. The earlier order stands.

To come up for further hearing on **20.10.2020 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Sri Mukatsar Sahib.

Chandigarh
Dated: 08.09.2020

Sd/-
(Khushwant Singh)
State Information Commissioner



Ms. Kadambini,
4124, Abohar Road,
Sri Mukatsar Sahib.

... Appellant

Versus

Public Information Officer,
O/o DC,
Sri Mukatsar Sahib.

First Appellate Authority,
DC,
Sri Mukatsar Sahib.

...Respondent

Appeal Case No. 1919 of 2019

PRESENT: Ms.Kadambini as the Appellant
Mrs.Adarshpal Kaur, Suptd. and Smt Gurjeet Kaur O/o ADC(D) for the
Respondent

ORDER:

The case was first heard on 17.10.2019. The respondent present pleaded that since the information was voluminous, the appellant was called for inspection and after inspection, the appellant was asked to deposit a sum of Rs.390/- for 195 pages which the appellant did not deposit. However, the available information was provided to the appellant by the SDM office Malout. The appellant stated that the PIO had provided the information regarding point-2 only.

Hearing both the parties, the Commission observed that there had been delay in attending to the RTI application and directed the PIO to provide the information on points 1,3,4,5,& 6 free of cost. The information regarding point-2 had been provided. The information be provided within 3 weeks.

On the next date of hearing on **23.12.2019**, the respondent present pleaded that the information has been provided to the appellant vide letter dated 15.11.2019 and a copy of the same submitted to the Commission. The appellant was not satisfied with the information on points 3 &4.

Hearing both the parties, the appellant was directed to inspect the record for the remaining information on 30.12.2019 at 11.00 AM in the office of DC Sri Mukatsar Sahib and get the relevant information. The PIO was directed to allow inspection to the appellant and provide the remaining information whatever available on record. If the information is not available, to transfer the RTI application to the concerned PIO.

On the date of hearing on **17.03.2020**, the appellant informed that she had inspected the record, however, the information has not been provided. The appellant further stated that she has received the information only on point-4 but the information on points 3, 6 & 7 has also not been provided. The respondent present informed that this information relates to DC office.

Hearing both the parties, the Commission observed that there is delay in providing the information regarding points 3, 6 & 7 and these points have not been adequately replied. The PIO-SDM Malout was issued a **show cause notice under Section 20 of the RTI Act and directed to file reply on an affidavit**. The PIO was again directed to provide the complete information within 10 days of the receipt of this order.

Appeal Case No. 1919 of 2019

The application was also marked to the First Appellate Authority, Deputy Commissioner, Sri Mukatsar Sahib for taking a cognizance on this application and to ensure compliance of order of the Commission.

On the date of last hearing on **03.08.2020, which was** held through video conferencing at DAC Sri Mukatsar Sahib, the respondent present pleaded that the available information has been provided to the appellant. The appellant had received the information. The appellant however, claimed that the information has been provided with a delay of more than one and half year and requested for penalizing the PIO and awarding compensation to the appellant.

Information had been provided. Regarding delay in providing the information, the PIO-SDM Malout was issued a show cause notice on 17.03.2020 and directed to file reply on an affidavit. The PIO did not file any reply. The PIO-SDM Malout was given one last opportunity to submit reply to the show cause notice otherwise it will be presumed that the PIO has nothing to say on the matter and the Commission will take action against the PIO as per provisions of the RTI Act.

Hearing dated 08.09.2020:

The case has come up for hearing today through video conferencing at DAC, Sri Mukatsar Sahib. The Commission has received reply to the show cause notice from the PIO-SDM Malout on 07.09.2020 which is taken on the file of the Commission.

In the reply, the PIO has stated that the RTI application was received by their office on 25.04.2019 from the office of DC Sri Mukatsar after that the appellant was asked vide letter dated 07.05.2019 to deposit the requisite fee but the appellant did not deposit the fee and the information was not provided. Thereafter, the information was provided to the appellant free of cost on 12.06.2019.

Having gone through the reply of the PIO, I accept the plea and drop the show cause. However, The Commission observes that the appellant to collect the information had to suffer undue inconvenience, thus I find it to be a fit case for awarding compensation to the appellant u/s 19(8)(b) of the RTI Act.

The PIO is directed to pay an amount of **Rs.2500/-** via demand draft drawn through Govt. Treasury as compensation to the appellant for the loss and detriment suffered by him of having to file the appeals and not getting information in time. The PIO is directed to duly inform the Commission of the compliance of the order and submit proof of having compensated the appellant.

To come up for compliance on **20.10.2020 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Sri Mukatsar Sahib.

Chandigarh
Dated 08.09.2020

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to PIO-SDM Malout



Sh. Sandeep Kumar, S/o Sh Om Parkash,
R/o Street No-2, Near Shani Dev Mandir,
Patel Nagar, Malout,
Distt Sri mukatsar Sahib.

... Appellant

Versus

Public Information Officer,
O/o DC,
Sri Mukatsar Sahib.

First Appellate Authority,
O/o DC,
Sri Mukatsar Sahib.

...Respondent

Appeal Case No. 2391 of 2019

PRESENT: Sh.Sandeep Kumar as the Appellant
Sh.Joginder Singh, Suptd.-cum-APIO – Sri Mukatsar Sahib for the
Respondent

ORDER:

The case first first heard on 11.12.2019. The respondent present from the office of DIC Sri Mukatsar Sahib pleaded that the RTI application was received by them from the office of DC on 11.02.2019 and the information regarding point-1 had been provided to the appellant vide letter dated 05.04.2019. The information relating to points 2,3 & 4 did not relate to them. The PIO-DIC was exempted.

The PIO-DC, Sri Mukatsar Sahib was directed to transfer the RTI application to the concerned PIO and ensure that the information is provided as per the RTI application.

The case was again heard on **03.03.2020**. Both the parties were absent. The case was adjourned.

The case was last heard on **03.08.2020** through video conferencing at DAC Sri Mukatsar Sahib. The respondent present from the office of District Welfare Office, Sri Mukatsar Sahib pleaded that the information does not relate to their office.

Having gone through the record, the Commission observed that since the RTI application is moving from one desk to another and the information is not being provided to the appellant, the RTI application was sent back to the Deputy Commissioner, Sri Mukatsar Sahib with the direction to send it to the department under whose custody the information lies and the concerned department was directed to provide the information to the appellant as per the RTI Act.

Hearing dated 08.09.2020:

The case has come up for hearing today through video conferencing at DAC, Sri Mukatsar Sahib. The respondent present pleaded that the available information has been provided to the appellant and a copy of the same submitted to the Commission. The Commission has received a copy of the information on 07.09.2020 which is taken on the file of the Commission. The appellant is not satisfied.

Appeal Case No. 2391 of 2019

Having gone through the RTI application and the information provided, the Commission observes that the RTI application has been suitably replied and the information has been provided to the best possible extent. However, the PIO is directed to respond the RTI application on an affidavit that the available information has been provided and no further information is available in their record.

To come up for further hearing on **20.10.2020 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Sri Mukatsar Sahib.

Chandigarh
Dated 08.09.2020

Sd/-
(Khushwant Singh)
State Information Commissioner