

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,

Sector 16, Chandigarh.

Ph: 0172-2864101, Fax 0172 2864110 Helpline 01722864100

Email: pcic20@punjabmail.gov.in Visitus: www.infocommpunjab.com



Sh. Dalip Singh S/o Sh. Lachhman Singh,

R/o Village – New Salem Shah, (94173-76444)

Tehsil & District- Fazilka.

.....Appellant

Vs

Public Information Officer,

O/o Block Development & Panchayats Officer,

Fazilka.

First Appellate Authority,

O/o District Development & Panchayats Officer,

Mini Secretariat, Fazilka.

..... Respondents

Appeal Case No. 276 of 2020

(Video Conference Facility)

Present:- Sh. Dalip Singh, Appellant.

Sh. Rakesh Kumar, Clerk (M -94174 48331) o/o D.D.P.O. Fazilka , Sh.

Santokh Singh Panchayat Secretary 9692009004 , Sh. Harjinder Singh

V.D.O.on behalf of the respondents.

ORDER

This order may be read with reference to the previous orders dated 2.6.2020 vide which the Director, Rural Development and Panchayat Department, Mohali was directed to file the action taken on the letter no. 757 dated 3.12.2019 written by the District Development and Panchayat Officer Fazilka against Sh. Harjinder Singh V.D.O. before the next date of hearing positively. He was also directed to ensure that the record of Sh. Harjinder Singh, V.D.O. be handed over to the present incumbent, Shri Santokh Singh.

2. Sh. Dalip Singh appellant is present today. He states that incomplete information has been supplied to him so far since he filed the RTI application on 15.4.2019 with the respondents.

3. Sh. Harjinder Singh V.D.O. states that the he has already handed over the record to the Sarpanch on 20.3.2020 in compliance to the orders of the Hon'ble Punjab and Haryana High Court, Chandigarh. He also states that the letter dated 3.12.2019 written by the District Development and Panchayats Officer to the Director, Rural Development & Panchhayats Punjab has been filed by the directorate. Copy of the same sent by him through whatsapp, is taken on record. Furthermore, he states that he has to come to Chandigarh on 6th July, 2017 and he will appear and file his submissions with documentary proof. Sh. Santokh Singh, Panchyat Secretary has handed over 62 pages of information duly attested to the appellant during the course of hearing pertaining to his RTI application. Copy of the receipt of the appellant has been sent to the Commission through whatsapp, which is taken on record.

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Appeal Case No. 276 of 2020

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4. After hearing both the parties and going through the record of case file, it is revealed that the information has been provided to the appellant. The appellant is advised to go through the same and revert back the deficiency, if any, within 7 days to Sh. Santokh Singh, Panchayat Secretary, who will remove the same before the next date of hearing. The RTI application was filed by the appellant when Sh. Harjinder Singh V.D.O was posted on the said station.

5. To come up on 31.7.2020 to be heard through video Conference Facility available in the office of the Deputy Commissioner, Fazilka.

sd/

Dated 01.07.2020

(Suresh Arora)
Chief Information Commissioner
Punjab.

Director, (By name)
Rural Development and Panchayat Department, Punjab,
Vikas Bhawan, Mohali.

REGD

District Development and Panchayat Officer,
Mini Secretariat, Fazilka.

REGD.

Block Development and Panchayats Officer,

REGD.

Fazilka

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Sh. Ranjit Singh S/o Sh. Virsa Singh,
R/o PO –Behak Khas, (78141-85527)
Saido Ke Uttar alias Chandmari,
District- Fazilka.

.....Appellant

Vs

Public Information Officer,
O/o Block Development & Panchayat Officer,
Fazilka.

First Appellate Authority,
O/o District Development & Panchayat Officer,
Mini Secretariat, Fazilka.

.....Respondents

Appeal Case No. 4365 of 2019
(Video Conference Proceeding)

Present:- Shri Ranjit Singh, appellant.
Shri Rakesh Kumar, Clerk (M 9417448331) o/o District Development and Panchayats
Officer, Sh. Dharamdass (M 8146362500) and Sh. Parvez Singh former BDPO
Fazilka and now Mohali (M 7042671041) on behalf of the respondents.

ORDER

This order may be read with previous order dated 2.6.2020 vide which the District Development and Panchayats Officer/Block Development and Panchayats Officer, Fazilka were directed to ensure that the action taken report must be provided to the appellant before the next date of hearing. They were also directed to ensure the presence of the respondent-Public Information Officer of this case during the next date of hearing. The case was fixed for hearing today i.e. 1.7.2020.

2. The appellant states that the respondents have still not supplied him the latest status regarding the action taken for embezzlement of Panchayati Fund to the tune of Rs 17.22 lakh by the former Sarpanch under section 216 of the Punjab State Panchayati Act, 1994.

3. Sh. Parvez Singh former B.D.P.O. Fazilka to whom show cause notice was issued, filed his reply through email dated 30.6.2020, which is taken on record. He states that the information to the appellant has been already provided vide their letter no. 2650 dated 13.11.2019 and 335 dated 31.1.2020. He states that a letter no. 334 dated 31.1.2020 was issued to S.D.O (Panchayati Raj), Fazilka for the measurement of work done during the tenure of ex-sarpanch Sh. Lakhwinder Singh and to submit the assessment report to his office in reference to the letter 6/15/18-Fazilka/2620-22 dated 2.5.2019 issued by Director, Rural Development and Panchayat, Punjab, Mohali. He has submitted before the Commission that he could not appear before the Commission, since he got transferred to District Mohali on 12.2.2020. He has requested to file the show cause notice issued to him.

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Appeal Case No. 4365 of 2019

Sh. Dharamdas of BDPO office has submitted an undertaking to the Commission sent through the whatsapp, which is taken on record. In the said undertaking, he has mentioned that no action has been taken under section 216 and no record is available in the BDPO office Fazilka.

4. After hearing the parties and going through the record of the case file, it is revealed the sought information i.e. action taken report has been supplied to the appellant as per RTI Act, 2005. Keeping in the view the circumstances and giving personal hearing to Sh. Parvez Singh Former BDPO Fazilka, the show cause notice issued to him, is hereby withdrawn. No further cause of action is left in this case. Hence this case is disposed of and closed.

However, the **Financial Commissioner (by name), Rural Development and Panchayat Department, Punjab, Mohali** is advised to get the matter looked into, since, the allegation involved is causing loss to the state exchequer. Copy of the RTI application is attached herewith for ready reference.

sd/

Dated: 1.7.2020

(Suresh Arora)
Chief Information Commissioner,
Punjab.

cc

Financial Commissioner, (By name)
Rural Development and Panchayat Department, Punjab,
Vikas Bhawan, Mohali.

REGD

Director,
Rural Development and Panchayat Department, Punjab,
Vikas Bhawan, Mohali.

REGD

District Development and Panchayat Officer,
Mini Secretariat, Fazilka.

REGD.

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Sh. Damodar Sharma S/o Sh. Jagdish Rai,
R/o Vill. –Chuhri Wala Dhanna,
Tehsil & District –Fazilka.

.....Appellant

Vs

Public Information Officer,
O/o Block Development & Panchayat Officer,
Block – Khuiya Server, Abohar,
District- Fazilka.

First Appellate Authority,
O/o District Development & Panchayat Officer,
District- Fazilka.

Shri D.P. Pandey, (Regd.)
PIO/Tehsildar,
Jalabad, Distt. Fazilka (M.No.94635-87400).

Public Information Officer (Regd.)
o/o Tehsildar,
Fazilka

.....Respondents

Appeal Case No. 4331 of 2019
(Video Conference Proceedings)

Present:- None on behalf of the appellant.
Shri D.P. Pandey former Public Information Officer/Tehsildar, Fazilka now Jalalabad
Shri Rakesh Kumar, Clerk, on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 2.6.2020 vide which one opportunity was provided to the Public Information Officer o/o Tehsildar, Fazilka to file the response/supply the information in respect of the information concerning point no.1 to 5 of the RTI application of the appellant. He was also directed to remain present during the next date of hearing. One more opportunity was also granted to Shri D.P. Pandey, former Public Information Officer/Tehsildar, Fazilka now Jalalabad to represent his case and submit his reply to show cause notice issued to him in writing or represent his case personally during the next date of hearing in the office of the Commission. The case was fixed for hearing today i.e. on 1.7.2020.

2. The appellant is absent today. He has sent the sms message to the Commission that he is unable to attend today's VC due to personal reason. This message is taken on record.

3. Sh. D.P. Panday former Public Information Officer/Tehsildar, Fazilka now Jalalabad submitted his reply received through whatsapp/email, which is taken on record. He states that he was not aware of the proceedings of the Commission as the letter issued by the Block Development and Panchayats Officer, bearing no. 176 dated 17.1.2020 has not received in his office. He has also submitted the copy of the diary clerk in this regard, which is taken on record. He further states that the sought information has to be provided by the BDPO Khuian Sarvar. In addition to it, he states that the information related to Point No. 4 is being sent to the appellant. A copy of the same is attached with this order for the information of the appellant. Furthermore, he states that as far as the demarcation(Nishan dehi) is concerned, the same has been done and he submitted the receipt of Sh. Pardeep Kumar, VDO in which he has stated that nothing else is required. Also, the Tehsildar, Fazilka stated that the panchayat record of the land remains in the custody of the panchayat said to be the custodian of the record, hence, he, states that the rest of the information has to be provided by the Block Development and Panchayats Officer office.

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Appeal Case No. 4331 of 2019

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3. After hearing to the respondent, Sh. D.P. Panday Tehsildar and going through his written submission, the Commission hereby, withdraw the show cause notice issued to him on 9.3.2020. The respondent PIO of BDPO office Khuian Sarvar is hereby, directed to file the reply/supply the information pertaining to point no. 1 to 3 and 5 of RTI application within 10 (ten) days from issue of this order failing which the penalty provisions will be invoked on the next date of hearing. The appellant is advised to revert back to the authorities in case of deficiencies, if any, within 5 days on its receipt and respondents are directed to remove the same before the next date of hearing.

4. To come up on 31.7.2020 at 11.30 AM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Fazilka.

sd/

Dated:1.7.2020

(Suresh Arora)
Chief Information Commissioner,
Punjab.