

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,

Madhya Marg, Sector 16, Chandigarh.

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Sh. Janak Singh S/o Late Sh. Ujjagar Singh,
R/o Vill. -Behlolpur, (9417132157)
Block Majri,, District SAS Nagar (Mohali).

Vs

.....Appellant

Public Information Officer,
O/o Block Development & Panchayat Officer,
Block Majri, District –SAS Nagar (Mohali).

First Appellate Authority,
O/o District Development & Panchayat Officer,
Mini Secretariat, District –SAS Nagar (Mohali).

.....Respondents

Appeal Case No. 4243 of 2019

Present:- Shri Janak Singh, appellant in person.
Shri Yadvinder Singh, Panchayats Secretary on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 30.01.2020 vide which last opportunity was afforded to Shri Yadvinder Singh, Panchayats Secretary-cum-PIO, Block Majri, District SAS Nagar to supply information regarding points at Sr. No.2, 3 and 5 and send his explanation to show cause notice issued to him on 22.1.2020 failing which penalty will be imposed on him and compensation will be awarded to the appellant on the next date of hearing.

2. The respondent-PIO states that he has to appear on 22.01.2020 in a case pending before the Civil Court at Kharar and on 30.01.2020, he has not received any intimation regarding hearing. He requests that he assures that he will comply each and every order of the Commission diligently. He further states that he has provided complete information to the satisfaction of the appellant. The appellant confirms that he has received the information to his satisfaction.

3. In view of the statement of the appellant, the present case is disposed of and closed. In view of the statement of respondent-PIO, show cause notice issued to Shri Yadvinder Singh, Panchayats Secretary is dropped with the direction to be careful in future while dealing with the applications under the provisions of RTI Act, 2005. Copies of the order be sent to the parties.

Dated: 10.02.2020.

sd/-
(Suresh Arora),
Chief Information Commissioner,
Punjab.

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Sh.Charanjit Singh (Subedar Major, Retd),
R/o Village- Humbera,
Tehsil & Distt. Ludhiana. 141110,

.....Appellant

Vs

Public Information Officer,
O/o Financial Commissioner,
Rural Development & Panchayat, Pb,
Vikas Bhawan, Sector-62, S.A.S. Nagar.

First Appellate Authority,
O/o Director, Rural Development & Panchayat, Pb,
Vikas Bhawan, Sector-62, SAS.Nagar

.....Respondents

Appeal Case No. 3698 of 2019

Present:- None on behalf of the appellant.

Shri Sarabjit Singh, Superintendent o/o BDPO, Ludhiana-1, on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 30.01.2020 vide which Shri Amarinder Pal Singh, BDPO, Jagraon was impleaded as a necessary party with the direction to take action on his complaint and intimate the appellant accordingly.

2. The appellant was absent on the previous date of hearing and he is absent today also without intimation.

3. Shri Amarinder Pal Singh, BDPO, Jagraon was contacted on phone to know what action has been taken on the complaint of the appellant. He states that complaint forwarded by Director Rural Development and Panchayats, Punjab, Chandigarh was received in his office through DDPO, Ludhiana. The same was returned back in the month of June, 2019 to DDPO, Ludhiana for taking necessary action on his complaint at his own level because the appellant does not want that inquiry be conducted by any of the BDPOs..

4. Shri Sarabjit Singh, Superintendent places on record a copy of letter dated 7.2.2020 sent to Director Rural Development and Panchayats, Punjab, Mohali alongwith inquiry report stating the facts that the appellant has not given any reason why he is not satisfied with the inquiry conducted by BDPO, after taking statements and after perusing the concerned record.

5. After hearing the respondent and going through the record available on the case file, it is revealed that the appellant has been informed about the action taken on his complaint by the District Development and Panchayats Officer, Ludhiana vide his letter dated 7.2.2020. Nothing more can be done as per his RTI application. Accordingly the present case is disposed of and closed. Copies of the order be sent to the parties.

Dated: 10.02.2020.

sd/-
(Suresh Arora),
Chief Information Commissioner,
Punjab.

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Sh. Manga Singh S/o Sh. Gurdial Singh,

R/o Rone Ucha, (77172-32057)

Tehsil & District –Fatehgarh Sahib.

.....Appellant

Vs

Public Information Officer,

O/o Panchayat Secretary, Rone Ucha,

C/o Block Development & Panchayat Officer,

Fatehgarh Sahib.

First Appellate Authority,

O/o Deputy Commissioner,

Administrative Complex, Fatehgarh Sahib.

.....Respondents

Appeal Case No. 4205 of 2019

(Video Conference Proceedings)

Present:- Shri Manga Singh, appellant.

None on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 30.01.2020 vide which last opportunity was afforded to the respondents-PIO to supply the information as sought by the appellant before the next date of hearing failing which decision for imposition of penalty and award of compensation to the appellant for loss and detriments suffered by him will be taken on the next date of hearing.

2. Shri Rajinder Singh, Panchayat Secretary-cum-PIO (97813-81063) was absent on 07.01.2020 and today again without intimation.

3. The perusal of the file and the conduct of the respondent-PIO compelled the Commission to issue him a formal show cause notice on 06.12.2019 as to why action under Section 20(1) of the RTI Act 2005 should not be taken against him and he was also provided an opportunity to file his written reply and also make use of opportunity of personal hearing under the principles of natural justice.

4. Since the responsibility to ensure timely transmission of the information to the appellant lies on the PIO, Shri Rajinder Singh, Panchayat Secretary o/o Block Development and Panchayats Officer, Sirhind, District Fatehgarh Sahib is hereby held guilty for not providing the information on time as prescribed under Section 7 of the RTI Act, 2005, which is within 30 days of the receipt of the request for supply of information and for repeated and willful defiance of the Punjab State Information Commission's orders.

5. Such kind of failure on the part of the respondent-PIO is totally unacceptable. It is pertinent to mention here that RTI Act has been enacted to ensure participative nature of management between the public & the public authorities and also to know as to what is happening behind the closed doors with regard to the governance affairs of the public authorities and their functioning.

Contd.....p/2

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6. After giving thoughtful consideration and due perusal of the facts of the case and the material available on record, I have come to the conclusion that he has failed to perform his duty as per the mandate of the RTI Act, which requires the public servant to ensure due transparency and accountability in its functioning. It has also come out that he has not only failed to perform his duty at his own level but also has shown his casual approach in complying with the explicit order of the Commission.

7. It has been further established from his conduct that he has failed to provide the information even after getting formal show cause notice from the Commission. This speaks volumes as to how much respect & regard he has in his mind to the provisions of the RTI Act, which mandates that all public authorities will ensure that the RTI Act, 2005 is duly implemented by them, whenever any citizen approaches the public authority to get any public information for which they have right to ask for as per the provisions of RTI Act. In view of the facts mentioned herein, I am of the considered view that Shri Rajinder Singh, Panchayat Secretary o/o BDPO, Sirhind, District Fatehgarh Sahib-cum-PIO should be penalised for his negligence in discharge of his statutory duty prescribed under the RTI Act. All his failure make me believe that his sheer neglect to perform his duties will be met only after he is duly taken to task as per the provisions of the RTI Act i.e. Section 20(1), which provides that any delay on the part of the respondent-PIO beyond 30 days is to be penalized @ 250/- per day and to the maximum of Rs. 25000/-

8. Under these circumstances, I am left with no other option but to decide the question of imposition of penalty and quantum thereof upon Sh. Rajinder Singh, Panchayat Secretary o/o BDPO, Sirhind, District Fatehgarh Sahib as per the provisions of the RTI Act i.e. Section 20(1) of the RTI Act, 2005. In this case the intervening period is too large, the respondent-PIO failed to comply with the orders of the Commission. Accordingly, a penalty of Rs. 5000/- (Rupees Five thousand only) is imposed on him.

9. The amount of penalty i.e. Rs. 5000/- (Rupees Five thousand only) should be deducted from his salary in two installments and be deposited in the Government treasury under head "**0070-Other Administrative Services-60-Other Services-800-Other Receipts-86-Fees under the Right to Information Act.** The District Development and Panchayats Officer, Jalandhar shall ensure that this amount of penalty is deducted from the salary of the above said defaulting official for the month of December, 2019 and deposited in the Treasury under the relevant head and sent compliance report to the Commission on or before 20.02.2020.

10. Further the Commission is of the view that since the appellant has had to suffer undue inconvenience to get the information, it is a fit case for awarding compensation to the appellant under Section 19(8)(b) of the RTI Act.

11. Shri Rajinder Singh, Panchayat Secretary o/o BDPO, Sirhind is directed to pay an amount of Rs.10000/- (Rupees Ten thousand only) via demand draft drawn through Government Treasury as compensation to the appellant for the loss and detriment suffered by him of having to file the appeals and not getting the 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.

12. The present respondent-PIO is directed to intimate the complainant after taking appropriate action on the application dated 08.08.2019 for seeking information with a copy to the Commission before the next date of hearing.

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13. The Block Development and Panchayats officer, Sirhind, District Fatehgarh Sahib is directed to send compliance report after paying Rs.5000/- as compensation to the appellant and send copies of challan after depositing Rs.5000/- in the Government Treasury.

14. To come up on **03.03.2020** at **11.00 A.M.** at Chandigarh.

Dated: 10.02.2020.

sd/-
(Suresh Arora),
Chief Information Commissioner,
Chandigarh.

CC

Shri Iqbal Singh, Administrator,
o/o Block Development and Panchayats Officer,
Fatehgarh Sahib.

Shri Rajinder Singh,
Panchayat Secretary-cum-PIO.
Village Panchayat Reona Ucha, District Fatehgarh Sahib

(Regd.)

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Sh. Rakesh Kumar Singla,
Voice Organization (Retd.)
Opp. Tehsil Office,
Lehragaga,
Sangrur 148031

...Appellant

Vs

Public Information Officer-cum-V.D.O.,
Gram Panchayat Bhutal kalan,
c/o Block Development and Panchayats Officer,
Lehragaga, Sangrur

First Appellate Authority,
o/o District Development and Panchayats Officer,
Sangrur

....Respondent

Appeal Case No. 3948 of 2019 (Video Conference Proceedings)

Present:- Shri Rakesh Kumar Singla, appellant.

Shri Rajinder Singh, Gram Sewak, on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 30.01.2020 vide which the appellant was advised to go through the same and revert back to the authorities, in case of deficiencies in the information supplied to him, before the next date of hearing.

2. The appellant states that Rs.6000/- was demanded for supply of information consisting of 3000 pages by the respondents but the respondents have supplied information consisting of nearly 100 pages, out of which some pages are blank forms

3. The representative of the respondents states that complete information has been supplied to the appellant and nothing has been left which could be supplied to him.

4. Due to disagreement of parties regarding supply and receipt of information, both the parties are directed to appear before the Commission at Chandigarh with original record concerning his information for the perusal of the Commission on 28.02.2020 at 11.00 A.M.

Dated: 10.02.2020.

sd/-
(Suresh Arora),
Chief Information Commissioner,
Punjab.

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Sh. Sukhwinder Singh
S/o Sh. Jarnail Singh,
R/o Village- Roshanwala, PO – Nashirawala,
District – Moga.

.....Appellant

Vs

Shri Parpinder Singh,
Public Information Officer-cum-
Panchayats Secretary, Roshanwala,
C/o Block Development & Panchayat Officer,
Block- kot Ise Kha, Distt. Moga.

(Regd.)

First Appellate Authority,
O/o Block Development & Panchayat Officer,
Block- Kot Ise Khan, District Moga.

Respondents

Appeal Case No. 3567 of 2019

(Video Conference Proceedings)

Present:- None on behalf of the appellant.
None on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 30.01.2020 vide which the respondent-PIO was directed to remove the deficiencies as pointed out by the appellant and file his explanation to show cause notice issued to him on 15.1.2020 failing which it will be presumed that he has nothing to say anything and action according to the provisions of RTI Act will be taken on the next date of hearing.

2. None is present on behalf of the appellant.

3. The respondent-PIO (Shri Parpinder Singh) was absent on 15.01.2020, 30.01.2020 and today also without intimation. Viewing the absence of the respondent-PIO seriously, the PIO is directed to supply the requisite information to the appellant before the next date of hearing. He is further directed to send explanation to show cause notice for imposition of penalty and award of compensation before the next date of hearing failing which the Commission will be constrained to initiate proceedings for imposition of penalty and award of compensation to the appellant on next date of hearing.

4. To come up on 27.02.2020 at 3.00 P.M. to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Moga.

sd/-

Dated: 10.02.2020.

(Suresh Arora),
Chief Information Commissioner,
Punjab.

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Sh. Gurdeep Singh,
S/o Sh. Ghan Singh,
P.O: Ambedkar Gram Sabha, Burj,
Mansa, Tehsil: Maur, Distt: Bathinda.

.....Appellant

Vs

Public Information Officer,
Block Development and Panchayat Officer, Maur,
District- Bathinda.

PIO/Executive Engineer,
Water Supply and Sanitation Department, Punjab,
Division No.3, Bathinda.

Shri Nahar Singh, SDO,
Water Supply and Sanitation, Maur, District BhatindaRespondents

Complaint Case No. 608 of 2019

Present:- None on behalf of the parties.

ORDER

This order may be read with reference to the previous order dated 30.01.2020 vide which last opportunity was afforded to the appellant to send specific deficiencies in the information already supplied to him vide letter dated 27.11.2019 by Sub Divisional Engineer, Water Supply and Sanitation Division, Maur-1, District Bhatinda failing which ex parte decision will be taken on the next date of hearing .

2. The complainant was absent on 08.01.2020, 30.01.2020 and today without intimation.
3. The respondent-PIO is absent without intimation.
4. After going through the record available on the case file it is revealed that last opportunity was afforded to the appellant to revert back to the authorities in case of deficiencies in the information supplied to him. Till date, no response has been received from the complainant and he remained absent on 08.01.2020, 30.01.2020 and also today without intimation. From the silence and absence of the complainant, it is presumed that complete information has been provided to the complainant and he has nothing to say. For the supply of information, the present case is disposed of and closed.
5. Last opportunity is afforded to Shri Nahar Singh, SDO to send explanation to show cause notice issued to him on 08.01.2020 for imposition of penalty within ten days from receipt of this order failing which decision for imposition of penalty will be taken..
6. To come up on 03.03.2020 at 3.00 P.M. to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Bathinda.

Dated: 10.02.2020.

sd/-
(Suresh Arora),
Chief Information Commissioner,
Punjab.

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Sh. Amrinder Singh Sidhu,
r/o H.No.2, Street No.19,
Shaheed Bhagat Singh Nagar,
Near Leon House, Dhandra Road,
Ludhiana.

.....Appellant

Vs

Public Information Officer,
O/o District Development and Panchayats Officer,
Ludhiana.

FAA-o/o District Development and Panchayats Officer,
Ludhiana..

.....Respondents

Appeal Case No. 99/2019 **(Video Conference Proceedings)**

Present:- None on behalf of the appellant.

None on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 15.02.2020 vide which a copy of the order dated 04.09.2019 was sent to both the parties with the direction to inspect the record and supply information upto 150 pages free of cost before the next date of hearing.

2. The appellant is absent without intimation.

3. None is present on behalf of the respondents. But Shri Harbhajan Singh, Panchayats Secretary was contacted on his M.No.99651-20001 by the office during the hearing, who tells that the record was got inspected from the appellant and photocopies of the identified documents have been prepared and will be delivered to the appellant within a day or so. He further states that he is busy in attending an urgent monthly meeting with DDPO/BDPOs.

4. In view of the request of the respondent-PIO, one more adjournment is afforded to supply the information to the appellant within ten days from today. On receipt of the information from the respondents, the appellant is advised to go through the same and revert back to the authorities, in case of deficiencies in the information supplied to him, with a copy to the Commission.

5. To come up on 27.2.2020 at 3.00 P.M. to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Ludhiana.

sd/-

Dated: 10.02.2020.

(Suresh Arora),
Chief Information Commissioner,
Punjab.

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Sh. Dilbag Chand,
S/o Sh. Ramji Das,
R/o Hayatpur, PO- Hambowal,
Tehsil- Samrala, Distt. Ludhiana.

.....Appellant
Vs

Public Information Officer,
O/o Deputy Commissioner,
Administrative Complex,
District- Ludhiana.

First Appellate Authority,
O/o Deputy Commissioner,
Administrative Complex,
District- Ludhiana.

PIO/Block Development and Panchayats Officer,
Machhiwara, District Ludhiana.

.....Respondents

Appeal Case No. 4269 of 2019 **(Video Conference Proceedings)**

Present:- Shri Dilbagh Chand appellant.

Shri Parampal Singh, Village Development Officer alongwith Shri Satinder Pal,
Steno/DDPO, Ludhiana, on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 19.12.2019 vide which the respondents were directed to collect the information from the concerned quarters and supply the same to the appellant before the next date of hearing.

2. The respondents states that information regarding point at Sr. No.1 of appellant's application for seeking information has been provided. Regarding point at Sr. No.2, inquiry is being conducted and the next date of hearing is 11.02.2020. He further states that the inquiry will be completed within a day or so and on its completion, inquiry report will be supplied to him.

3. After hearing the parties and going through the record available on the case file, it is revealed that information regarding point at Sr. No.1 has been supplied to the appellant and information regarding point at Sr. No.2 will be supplied within a week.

4. To come up on 27.02.2020 at 3.00 P.M. to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Ludhiana.

Dated: 10.02.2020.

sd/-
(Suresh Arora),
Chief Information Commissioner,
Punjab.