

PUNJAB STATE INFORMATION COMMISSION
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Sh.Rajbir Singh. S/o Sh. Gurnam Singh,
R/o Near Bharat Gas Agency,
Faridkot Road, Sadik,
Distt.Faridkot

.....Complainant

Versus

Public Information Officer,
O/o Block Primary Education Officer,
Block-3, Faridkot.

.....Respondent

Complaint Case No. 296/2020 and 297/2020

PRESENT: None for the Complainant
Sh.Jagtar Singh, BPEO –Faridkot-3 for the Respondent

ORDER: This order should be read in continuation to the previous order.

The complainant Sh.Rajbir Singh through RTI application dated 03.01.2020 has sought information regarding copy of record of committee members in which Sh.Nachhattar Singh s/o Darbara Singh was the member and other information concerning the office of Block Primary Education Officer, Block-3 Faridkot. The appellant was not provided the information after which the appellant filed first appeal before the first appellate authority on 27.05.2020 which took no decision on the appeal.

On the date of first hearing on 07.10.2020, the complainant claimed that the PIO has not provided the information. The respondent was absent.

The Commission received a letter on 28.09.2020 from the PIO vide which the PIO sent his reply alongwith the information, which was taken on the file of the Commission. In the said letter, the PIO had pleaded that since the subject matter of information sought by the appellant in appeal case No.296 and appeal case of No.297 are the same, both the cases be clubbed.

The plea of the PIO was accepted and both the cases were clubbed together. A copy of the information was attached with the order for the appellant and the appellant was directed to point out the discrepancies if any to the PIO with a copy to the Commission. The PIO was directed to remove the disappearances, if any.

On the date of hearing on 18.11.2020, the appellant claimed that the information has been provided but with a delay of more than ten months and has requested for penalizing the PIO and awarding compensation to the appellant.

The respondent was absent on 2nd consecutive hearing. Having gone through the record, the Commission observed that there has been a delay of more than eight months. The PIO was issued **show cause under section 20 of the RTI Act and directed to file reply on an affidavit.**

On the date of the last hearing on 19.01.2021, the PIO was absent on 3rd consecutive hearing nor has sent any reply to the show cause notice. To secure an erring PIO's presence before the commission the Information Commission, a bailable Warrant of the **PIO-cum-** Block Primary Education Officer, Block-3, Faridkot was issued Under Section 18(3) of the RTI Act through Senior Superintendent of Police, Faridkot for his presence before the Commission on **10.03.2021.**

Hearing dated 10.03.2021:

Sh.Jagtar Singh, PIO-cum-BPEO, Faridkot-3 is present and has submitted his reply which has been taken on the file of the Commission.

In the reply, the respondent has pleaded that he joined as BPEO only on 01.10.2020 and when the RTI application was filed, Smt.Kuldeep Kaur was the PIO-cum-BPEO Faridkot-3 who has since retired on 30.09.2020 and that the delay has happened on the part of Smt.Kuldeep Kaur. The respondent further informed that he did not receive any notice of the Commission and only came to know about the order after a news was published in the newspaper.

Having gone through the affidavit and facts on the file, the information in this case stands provided, albeit with a delay of ten months. However, the facts speak that the delay in providing the information has happened on the part of the earlier PIO, who has since retired. Hence in this instance, the present PIO cannot be held responsible for delay in handling the RTI application. And since there is no provision in the RTI Act to prosecute a retired employee, I see no reasons to put the onus of the delay in providing the information on the present PIO, The show cause stands withdrawn.

No further course of action is required. The case is **disposed off and closed**.

Chandigarh
Dated:10.03.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh Charan Dass, S/o Sh Phul Chand C/o Sh Roshan Lal,
Street NO-4-5, Satwa Chowk, New Suraj Nagri,
Abohar, Distt Fazilka.

... Appellant

Versus

Public Information Officer,
O/o EO, NC,
Abohar, Distt Fazilka.

First Appellate Authority,
O/o Deputy Director,
Local Govt. Ferozepur

..Respondent

Appeal Case No.2945 of 2019

PRESENT: None for the Appellant
Sh.Jagsir Singh Dhaliwal, EO-NC Gidderbaba(Earlier PIO-
cum-EO,NC Abohar)for the Respondent

ORDER: This order should be read in continuation to the previous order.

The appellant through RTI application dated 13.05.2019 sought information on 11 points regarding resolution No.46 passed on 13.09.2018 and resolution No.78 dated 26.11.2018 relating to posting in account branch and entry in service and other information as enumerated in the RTI application from the office of EO-NC Abohar. The appellant was not provided the information after which the appellant filed first appeal before the First Appellate Authority on 24.06.2019 which disposed off the appeal on 24.07.2019 with the direction to the PIO to provide the information to the appellant. On being not provided the information, the appellant filed 2nd appeal in the Commission.

On the date of first hearing on 17.12.2019, the appellant claimed that despite direction of the First Appellate Authority, the PIO has not provided the complete information. The respondent was absent.

Since there has been an enormous delay in providing the information, the PIO was issued a show cause notice under **section 20 of the RTI Act and directed to** file a reply on an affidavit. The PIO was again directed to provide the information to the appellant within 10 days.

On the next date of hearing on **25.02.2020, the PIO** was absent. Mrs.Rita Rani appeared on behalf of the PIO and informed that the information has been provided to the appellant on 19.06.2019. The appellant stated that he received the information only on points 2 & 3.

Having gone through the RTI application, reply of the PIO and hearing both the parties, the PIO was directed to suitably reply all the points of the RTI application on an affidavit. The Commission further observed that the PIO had not sent reply to the show cause notice, the PIO was directed to appear personally on the next date of hearing and submit reply to the show cause notice on an affidavit.

On the date of hearing on 22.06.2020, the appellant claimed that despite order of the Commission, the PIO has not provided the complete information. The PIO was absent on 3rd consecutive hearing nor had filed reply to the show cause notice. The respondent present was not able to reply suitably.

Since the PIO-NC Abohar had failed to provide the information within the time prescribed under the RTI Act, and defying the orders of the Commission, a penalty of **Rs.10,000/-** was imposed upon the PIO- EO, NC Abohar and the PIO-EO, NC Abohar was directed to duly inform the Commission of the compliance of the orders by producing a copy of the challan justifying the deposition of the penalty in the Govt Treasury.

Further, the Commission was of the view that since the appellant had to suffer undue inconvenience to get the information, the PIO- EO, NC Abohar was directed to pay an amount of **Rs.3000/-** via demand draft drawn through Govt. Treasury as compensation to the appellant and submit proof of having compensated the appellant. The PIO was again directed to provide the information within 10 days.

On the date of hearing on **22.09.2020**, the respondent informed that the information has been provided. As per appellant, the information was not provided on point-2 as well as not provided the compensation.

The penalty was also not deposited by the PIO. The PIO was absent. The Commission received a reply from Jagsir Singh Dhaliwal the former PIO-cum-EO, MC Abohar who currently the Secretary, Municipal Corporation. The reply was dated 06.07.2020 which was taken on the file of the Commission.

In the reply , it was pleaded that the information sought by the appellant pertained to very old record and related to different sections as well as the staff was busy in doing routine work, the information was delayed. After collecting the information from different sections, the information was provided to the appellant on 23.06.2020.

The Commission found no merit in the reply as it was clear that the delay happened when Jagsir Singh Dhaliwal was the PIO, and it was largely during his tenure that the RTI application and various notices of the Commission were not tended to appropriately. The Secretary, Municipal Corporation, Abohar (Earlier PIO-cum-EO, MC Abohar) was directed to comply with the earlier order of the Commission and deposit the penalty before the next date of hearing. The PIO was also directed to submit proof of having paid the compensation amount of Rs.3000/- to the appellant.

As for the information, the respondent informed that after upgrading the Municipal Council to Municipal Corporation, no regular PIO is posted. The respondent was directed to give an appropriate reply to point-2 to the appellant.

A copy of the order was sent to the Commissioner, Municipal Corporation, Abohar with the direction to ensure compliance of this order since the RTI application was being very poorly handled by the Corporation and there was an enormous delay in providing the information. The Commissioner, MC Abohar was also directed to look into the matter of PIOs showing utter disregard to the RTI applications as well as orders of the Commission.

On the date of hearing on **10.11.2020**, the appellant informed that the PIO has not provided the information as well as compensation as per order of the Commission. The respondent was absent nor had sent any proof of having deposited the penalty amount of Rs.10000/- in the Govt. Treasury.

The PIO was given one last opportunity to comply with the earlier order of the Commission and appear personally on the next date of hearing alongwith reply to the show cause notice otherwise the Commission will be constrained to issue a warrant against the PIO under section 18(3) of the RTI Act.

Sh.Ramesh Kumar, Accountant o/o EO-NC Abohar appeared late and informed that they have prepared a draft of Rs.3000/- which was being sent to the appellant. He further informed that they have written to the EO-NC Amloh for deduction of Rs.10000/- from the salary of Sh.Jagsir Singh, the then EO-cum-PIO, NC Abohar and to deposit the same in Govt. Treasury.

On the date of last hearing on 29.01.2020, the appellant informed that he has received the information as well as compensation amount of Rs.3000/-.

However, the PIO was absent nor had sent any proof of having deposited the amount of penalty. As per information from the office of EO-NC Abohar, Sh.Jagsir Singh Dhaliwal had been transferred and posted as EO-NC Gidderbaha, District Sri Mukatsar Sahib.

Since Sh.Jagsir Singh Dhaliwal, EO-NC Gidderbaha (earlier PIO-cum-EO NC Abohar) was flouting the spirit of the RTI Act continuously and not appearing despite commission's repeated orders, to secure an erring PIO's presence before the commission the Information Commission, a bailable Warrant of the Sh.Jagsir Singh Dhaliwal, EO-NC Gidderbaha (earlier PIO-cum-EO NC Abohar) was issued u/s 18(3) of the RTI Act through Senior Superintendent of Police, Sri Mukatsar Sahib for his presence before the Commission on **10.03.2021**.

Hearing dated 10.03.2021:

Sh.Jagsir Singh Dhaliwal, EO-NC Gidderbaha (Earlier PIO-cum-EO,NC Abohar) is present and has submitted a copy of challan as a proof of having deposited the penalty amount of Rs.10000/- in the Govt Treasury on 05.03.2021, which has been taken on the file of the Commission.

Since the information stands provided, compensation has been paid to the complainant and the penalty amount has been deposited, no further course of action is required.

The case is **disposed off and closed**.

Chandigarh
Dated 10.03.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to The Commissioner,
Municipal Corporation, Abohar

PUNJAB STATE INFORMATION COMMISSION
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Sh. Wassan Singh, S/o Sh Ajit Singh,
118, House Fed Complex-1
Sector-79, Mohali.

....Appellant

Vs

Public Information Officer,
O/o Secretary,
Department of Employment Generation & Training,
Sector-9-A, Pb, Chandigarh

First Appellate Authority
O/o Secretary,
Department of Employment Generation & Training,
Punjab,
Sector-9-A, Chandigarh.

....Respondent

Appeal Case .No. 4496 of 2019

PRESENT: None for the Appellant
Mrs.Paramjit Kaur, APIO for the Respondent

ORDER:

The appellant through RTI application dated 08.07.2019 has sought information regarding setting up of Skill Development Mission, State Skill Development Coordination Mission and District level Coordination Committee and other information concerning the office of Secretary, Department of Employment Generation & Training, Pb, Chandigarh. The appellant was not satisfied with the information provided by the PIO on 18.07.2010 after which the appellant filed first appeal before the First Appellate Authority on 30.08.2010 which took no decision on the appeal.

The case was last heard on 18.06.2020. The respondent present from the office of Employment Generation pleaded that the available information has been provided to the appellant and a copy of the same submitted to the Commission. The appellant was not satisfied and informed that the information from the years 2007 to 2014 has not been provided. The respondent present from Skill Development Mission informed that the functioning of Pb Skill Development Mission was started w.e.f. 2016, the information concerning them has been provided and the information from 2007 to 2016 can be provided by the Technical Education. The respondent present from Technical Education informed that no further information is available.

Having gone through the RTI application and hearing both the parties, the PIO-Department of Employment Generation & Training was directed to procure the information from the concerned PIO and provide to the appellant. If the information is not available, to give in writing on an affidavit. The PIO-Technical Education was also directed to cooperate and supply the information. If the information is not available, to give in writing on an affidavit.

Appeal Case .No. 4496 of 2019

Hearing dated 10.03.2021:

The case has come up for hearing today through video conferencing at DAC Mohali.

The respondent present pleaded that the available information has been provided to the appellant. The respondent further claimed that since there was no other information available in the record relating to this RTI application, as per order of the Commission, an affidavit has been sent to the appellant on his whatsapp number as well as through an email with a copy to the Commission.

The original affidavit, as per the respondent, could not be delivered since the appellant was not available at the given address, for which, the appellant has been telephonically asked to collect the same from the office of the PIO.

The appellant is absent. The Commission has received a copy of the affidavit which has been taken on the file of the Commission.

Since the information has been provided, no further course of action is required. The case is **disposed off and closed**.

Chandigarh
Dated 10.03.2021

Sd/-
(Khushwant Singh)
State Information Commissioner