

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,
Madhya Marg, Sector 16, Chandigarh.

Ph: 0172-2864100-101, Fax 0172 2864110

Visit us @ www.infocommpunjab.com, Email: pcic20@punjabmail.gov.in



Sh. Darshan Singh Kang,
(Anti Corruption Wing),
Opposite SDM Office,
Samrala District Ludhiana.

.....Appellant

Vs

Public Information Officer,
Principal Secretary Education,
Punjab, Chandigarh.

First Appellate Authority,
Principal Secretary Education,
Punjab, Chandigarh.

.....Respondents

Appeal Case No. 2870 of 2019 (Through Video Conference Facility)

Present:- Shri Darshan Singh Kang, appellant.

Ms. Sudesh Kumari, Superintendent-cum-PIO on behalf of the
respondents at Chandigarh.

ORDER

This order may be read with reference to the previous order dated 10.10.2019 in which it is mentioned that the respondents have taken time to decide the matter for supply of information to the appellant after taking objections of third party under the provisions of RTI Act, 2005.

2. The appellant states that no information till date has been received by him from the respondents.

3. The respondent-PIO states that they have written to the Director General School Education, Punjab, SAS Nagar to conduct inquiry on the complaint of the present appellant dated 15.04.2019 regarding presence of Shri Baljinder Singh, Assistant Director in the function of school for increase of admission in the School. The

Contd.....p/2

-2-

Principal of the school vide her letter dated nil stated that in the function held on 30.03.2019, Shri Baljinder Singh, Assistant Director was present in the function being a common man and not as a Chief Guest. In that Function Shri Gurmit Singh Dahele was the Chief Guest. She further stated in that letter that Shri Baljinder Singh has not campaigned in favour of school for increase of admissions in the school. The respondent-PIO further stated that the complaint was disposed of on 10.06.2019 by DGSE. A copy of the same is being placed on the record of the Commission, which is taken on the record of the Commission.

4. After hearing both the parties and going through the record available on the case file, it is revealed that the appellant has sought information regarding action taking on his complaint. Action has been taken on the complaint of the present appellant dated 15.4.2019 and a copy of the forwarding letter alongwith its annexures be sent to the appellant with the order. The Commission is satisfied with the action taken by the respondents and the present case is disposed of and closed. Copies of the order be sent to the parties.

Dated : 10.12.2019

Sd/-
(**Suresh Arora**)
Chief Information Commissioner
Punjab

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,
Madhya Marg, Sector 16, Chandigarh.

Ph: 0172-2864100-101, Fax 0172 2864110

Visit us @ www.infocommpunjab.com, Email: pcic20@punjabmail.gov.in



Sh. Inderjit Singh RTI Activist,
C/o Chamber No.141-A,
New Court, Jalandhar.

.....Appellant

Vs

Public Information Officer,
O/o Director, Rural Development & Panchayats,
Mohali.

First Appellate Authority,
O/o Director, Rural Development & Panchayats,
Mohali.

.....Respondents

Appeal Case No. 3284 of 2019

(Video Conference Proceedings)

Present:- Shri Inderjit Singh, appellant, in person.

None on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 21.11.2019 in which it is mentioned that objections raised by the third party were overruled and the respondents were directed to provide information regarding points at Sr. No.1 and 5, which is in public domain, regarding point at Sr. No.2, no information needs to be provided as specific information has not been sought, regarding point at Sr. No.3, the appellant failed to establish any larger public interest and regarding point at Sr. No.4, information has already been provided to the appellant.

2. The appellant states that information be provided regarding point at Sr. No.2, as he seeks documents annexed with application filed at the time of applying for the post of Panchayats Secretary and regarding point at Sr. No.4, he states that he has ample proofs that various inquiries have been conducted on complaints against Shri Vijay Kumar and he wants to get copies of enquiry reports against him.

3. After hearing the appellant and going through the record available on the case file, the appellant is directed to send a copy of proof of inquiries to the respondents with a copy to the Commission. It is desired that appropriate action be taken on the above points mentioned in preceding paragraphs and reply be given before the next date of hearing.

4. To come up on 08.01.2020 at 3.00 P.M. to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Jalandhar. The appellant is advised to appear through Video Conference Facility at Jalandhar and the representative of the respondents at Chandigarh.

Sd/-

(**Suresh Arora**)

Chief Information Commissioner
Punjab

Dated : 10.12.2019

CC

The Director Rural Development and Panchayats, Punjab,
Vikas Bhawan, Phase VIII, Mohali

for information and to ensure
the presence of PIO during proceedings
in future.

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,
Madhya Marg, Sector 16, Chandigarh.

Ph: 0172-2864100-101, Fax 0172 2864110

Visit us @ www.infocommpunjab.com, Email: pcic20@punjabmail.gov.in



Sh. Beant Singh,
S/o Sh. Baldev Singh,
VPO: Khan, Banbhora
Tehsil: Malerkotla,
Distt: Sangrur.

.....Appellant

Vs

Public Information Officer,
Naib Tehsildar,
Amargarh,
Distt: Sangrur.

First Appellate Authority,
Sub Divisional Magistrate,
Malerkotla.

PIO/Deputy Commissioner,
Mini Secretariat, Sangrur.

.....Respondents

Appeal Case .No. 2907 of 2019

Present:- Shri Beant Singh, appellant.

Shri Jagdeep Inder Singh, Naib Tehsildar, Amargarh (M.No.98140-39922) alongwith Shri Ranjit Singh, Kanugo Record, Gagandeep, Senior Assistant and Ms. Ramandeep Kaur, RTI Clerk, o/o Deputy Commissioner, Sangrur on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 21.11.2019 vide which the respondent-PIO was directed to pay compensation of Rs.5000/- to the appellant through demand draft drawn from the Government Treasury. The respondent-PIO was also directed to transfer application for seeking information to PIO/Deputy Commissioner, Sangrur for supplying information regarding Vasika No.1988 dated 7.7.1988 and Vasika No.3149 dated 6.7.1992. The PIO/Deputy Commissioner, Sangrur was impleaded as a necessary party with the direction to supply the requisite information after taking appropriate action on his application.

2. The representative of the respondents states that complete information has been provided except for Intqal No.4408. After checking the whole record of the

Contd.....p/2

-2-

office of Deputy Commissioner, Sangrur, it is found that Intqal bearing No.4408 has not been entered in their record. From this, it is clear that the same has not been handed over to them. He further states that it may be available with the office of Tehsildar, Malerkotla's office. The respondent-PIO states that in compliance to the previous order a demand draft of Rs.5000/- through government treasury has been handed over to the appellant during the hearing.

3. After hearing both the parties and going through the record available on the case file, it is ascertained that information regarding Intqal No.4408 be provided after taking assistance of PIO/Tehsildar, Malerkotla under Section 5(4) of the RTI Act, 2005 as early as possible otherwise give in writing that the information sought by the appellant is not available in their record.

4. To come up on **15.01.2020** at **3.00 P.M.** through Video Conference Facility available in the office of the Deputy Commissioner, Sangrur.

Dated : 10.12.2019

Sd/-
(**Suresh Arora**)
Chief Information Commissioner
Punjab

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,
Madhya Marg, Sector 16, Chandigarh.

Ph: 0172-2864100-101, Fax 0172 2864110

Visit us @ www.infocommpunjab.com, Email: pcic20@punjabmail.gov.in



Sh. Kewal Singh
s/o Shri Gurcharan Singh,
Village Kot Khurd, .
PO Binaheri, Tehsil Nabha,
District Patiala.

.....Appellant
Vs

Public Information Officer,
o/o Block Development and Panchayats Officer,
Nabha District Patiala.

FAA-District Development and Panchayats Officer,
Patiala.Respondents

Appeal Case No. 2628 of 2019 **(Through Video Conference Facility)**

Present:- Shri Kewal Singh, appellant.
None on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 10.10.2019 vide which Mr. Amrik Singh, Assistant Project Officer (M.No.99148-10480) and Shri Tirath Singh, GRS (M. No.98143-34055) were made necessary parties to supply the information to the appellant before the next date of hearing.

2. The appellant states that no information has been supplied to the appellant.

3. Shri Amrik Singh, APO and Shri Tirath Singh, GRS both deemed PIOs are absent today without intimation. .

4. The perusal of the file and the conduct of the respondents compelled the Commission to issue them formal show cause notices on 21.10.2019 as to why action under Section 20(1) of the RTI Act 2005 should not be taken against them and they were also provided an opportunity to file their written reply and also make use of opportunity of personal hearing under the principles of natural justice.

5. Since the responsibility to ensure timely transmission of the information to the appellant lies on Shri Amrik Singh, APO and Shri Tirath Singh, GRS both deemed PIOs are 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.

Contd.....p/2

6. 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.

7. 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 they have failed to perform their duties as per the mandate of the RTI Act, which requires the public servants to ensure due transparency and accountability in its functioning. It has also come out that they have not only failed to perform their duties at their own level but also have shown their casual approach in complying with the explicit order of the Commission.

8. It has been further established from their conduct that they have failed to provide the information even after getting formal show cause notice from the Commission. This speaks volumes as to how much respect & regard they have in their 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 Amrik Singh, APO and Shri Shri Tirath Singh, GRS should be penalised for their negligence in discharge of their statutory duties prescribed under the RTI Act. All their failure make me believe that their sheer neglect to perform their duties will be met only after they are 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/deemed PIOs beyond 30 days is to be penalized @ 250/- per day and to the maximum of Rs. 25000/-

9. Under these circumstances, I am left with no other option but to decide the question of imposition of penalty and quantum thereof upon Sh. Amrik Singh, APO and Shri Tirath Singh, GRS o/o BDPO, Nabha, District Patiala 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.2500/- (Rupees Two thousand Five hundred only) is imposed on each deemed PIOs..

10. The amount of penalty i.e. Rs. 2500/- (Rupees Two thousand five hundred only) should be deducted from their 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, Patiala shall ensure that this amount of penalty is deducted from the salary of the above said defaulting official for the month of January, 2020 and deposited in the Treasury under the relevant head and sent compliance report to the Commission on or before 20.03.2020.

-3-

11 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.

12. Shri Amrik Singh, APO and Shri Tirath Singh, GRS both deemed-PIOs o/o BDPO, Nabha are directed to pay an amount of Rs.5000/- (Rupees Five 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. Both deemed PIOs are directed to duly inform the Commission of the compliance of the order and submit proof of having compensated the appellant.

13. The present deemed-PIOs are directed to intimate the appellant after taking appropriate action on the application dated 27.11.2018 for seeking information with a copy to the Commission before the next date of hearing.

14. The Block Development and Panchayats officer, Nabha, District Patiala is directed to send compliance report after paying Rs.5000/- as compensation to the appellant and send copies of challan after depositing Rs.2500/- after deducting from the salary of above two deemed PIOs in the Government Treasury.

15. To come up on **10.01.2020** at **3.00 P.M.** to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Patiala.

.

Dated: 10.12.2019.

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

CC

Shri Amri Singh,
Assistant Programme Officer -cum- Deemed PIO
o/o BDPO, Nabha,
District Patiala.

(Regd.)

Shri Tirath Singh,
GRS-cum-Deemed PIO,
o/o Block Development and Panchayats Officer,
Nabha, District Patiala.

Block Development and Panchayats Officer,
Nabha, District Patiala.

District Development and Panchayats Officer,
Patiala.

Deputy Commissioner, Patiala.

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,
Madhya Marg, Sector 16, Chandigarh.
Ph: 0172-2864100, Email: - pcic20@punjabmail.gov.in



Sh. Balveer Singh,
S/o Sh. Kripal Singh,
Village- Fajgarh, P.O: Esru,
Tehsil: Khanna,
District- Ludhiana.

...Appellant

Vs

Public Information Officer,
Sub Divisional Magistrate, Khanna,
District- Ludhiana.

First Appellate Authority
ADC (General),
District- Ludhiana.

.....Respondents

Appeal Case No. 2782 of 2019

(Video Conference Proceeding)

Present:- Shri Balveer Singh, appellant.

Shri Fateh Singh, Senior Assistant, on behalf of the respondents
alongwith Shri Vimal Kumar Jain (Third Party whose information has
been asked)

ORDER

This order may be read with reference to the previous order dated 21.11.2019 in which it is mentioned that it would be appropriate to hear the third party before deciding the matter. A copy of the order was sent to the third party for appearance and to know his objections for not providing the information.

2. The representative of the respondents brought the information vide his letter dated 4.11.2019 to be handed over the appellant regarding third party during the hearing.

3. Third party-Shri Vimal Kumar Jain appeared before the Commission and he stated that PIO of his office has no record under his control rather PIO has made attempt to create the record by issuing letters to Improvement Turst, Khanna. He requests that one adjournment may be given to him to consult his counsel before handing over the information to the appellant.

Contd....p/2

-2-

4. After hearing both the parties and going through the record available on the case file, it is revealed that the request of the third party be acceded to one more date be given to him to consult his counsel before handing over the information to the appellant. He is directed to file his objections for not providing the information to the appellant as early as possible, but not later than the next date of hearing. The appellant is advised to file public interest for seeking the information under the provisions of RTI Act, 2005. The representative of the respondents is directed to bring in writing regarding point at Sr. No.3 that no information is available in their record. After receipt of objections from the third party and public interest shown by the appellant, the matter will be decided on the next date of hearing.

5. To come up on 10.01.2020 at 3.00 P.M. to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Ludhiana.

Dated : 10.12.2019

Sd/-
(**Suresh Arora**)
Chief Information Commissioner
Punjab

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,
Madhya Marg, Sector 16, Chandigarh.
Ph: 0172-2864100, Email: - pcic20@punjabmail.gov.in



Sh. Manjit Singh,
S/o Sh. Kuldip Singh,
36, Phase-3, Urban Estate,
District- Ludhiana.

.....Appellant

Vs

Public Information Officer,
D.C, District- Ludhiana.

First Appellate Authority
ADC (General),
District- Ludhiana.

PIO/Director Public Instructions (SE), Punjab,
PSEB Complex, Phase VIII, SAS Nagar.

.....Respondents

Appeal Case .No. 2465 of 2019 (Through Video Conference Facility)

Present:- Shri Manjit Singh, appellant.

Shri Paramjit Singh, Superintendent, on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 21.11.2019 vide which the respondent stated that they have issued a reminder to Director Public Instruction (SE), Punjab, SAS Nagar for taking appropriate action on the application of the appellant. He further stated that Shri Amarjit Singh, Superintendent (Grant Branch Private Aided) is conducting inquiry. The DPI (SE), Punjab, SAS Nagar was impleaded as a necessary party on the previous date of hearing. On the directions, the representative of the respondents hands over a set of papers sent to the Commission vide their letter dated 6.11.2019 during the hearing. The appellant is advised to go through the same and revert back to the authorities, in case of deficiencies.

2. Complete information has been supplied to the appellant except action taken by the DPI (SE), Punjab, SAS Naga on the inquiry report sent by the office of the District Education Officer (SE), Ludhiana vide his letter dated 22.05.2019. On the

Contd.....p/2

-2-

previous date of hearing show cause notice was issued to Shri Amarjit Singh, Superintendent (Grant Branch Private Aided) o/o Director Public Instructions (SE), Punjab for imposition of penalty on him but till date no explanation has been received in their office. Last opportunity is afforded to Shri Amarjit Singh, Deemed PIO to file his explanation before the next date of hearing otherwise decision will be taken ex-parte.

3. To come up on 10.01.2020 at 3.00 P.M. to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Ludhiana. PIO/DPI (SE), Punjab, SAS Nagar can appear before the Commission at Chandigarh, if he so desire.

Dated : 10.12.2019

Sd/
(**Suresh Arora**)
Chief Information Commissioner
Punjab

CC

Shri Amarjit Singh,
Superintendent (Grant Branch Private Aided)
o/o Director Public Instructions (SE), Punjab
PSEB Complex, Phase VIII, Mohali (SAS Nagar)

(Regd.)

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,
Madhya Marg, Sector 16, Chandigarh.

Ph: 0172-2864100-101, Fax 0172 2864110

Visit us @ www.infocommpunjab.com, Email: pcic20@punjabmail.gov.in



Sh. Gagandeep Singh Threke (RTI Activist),
SCO-26, Shant Park,
Main Sua Road, Threke,
District- Ludhiana-142028.Appellant

Vs

Public Information Officer,
O/o Sub Divisional Magistrate (West),
Distt: Ludhiana.

First Appellate Authority
O/o Sub Divisional Magistrate (West),
District- Ludhiana.

PIO/Additional Deputy Commissioner (D),
LudhianaRespondents

Appeal Case .No. 3004 of 2019 **(Video Conference Proceedings)**

Present:- Shri Gagandeep Singh Threke, appellant.
Shri Mandeep Singh, Election Clerk alongwith Shri Boota Singh, XEN, on
behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 21.11.2019 vide which the respondents were directed to transfer application for seeking information to Shri Boota Ram, XEN, Improvement Trust Ludhiana for giving information regarding employees put on duty and he was further directed to give remaining reply after taking action on the application under the provisions of RTI Act, 2005 and Shri Boota Ram, XEN, was impleaded as a necessary party.

2. Shri Boota Ram, XEN appeared before the Commission and states that after election was over, the record was deposited with the office of Sub Division Magistrate, Ludhiana (West) or Additional Deputy Commissioner (D), Ludhiana.

3. Last opportunity is afforded to the respondents to take appropriate action on the application of the appellant for seeking information under the provisions of RTI Act, 2005 and

Contd.....p/2

-2-

intimate about decision taken to the appellant with a copy to the Commissioner before the next date of hearing failing which action for imposition of penalty under Section 20 will be initiated on the next date of hearing. They are further directed to appear with original record at Chandigarh on the next date of hearing for perusal of the Commission. On the explanation of Shri Boota Ram, XEN, his appearance on the next date of hearing is exempted.

4. The respondents are directed to appear before the Commission on 10.01.2020 at 11.00 A.M. at Chandigarh and appellant may appear either at Chandigarh or through Video Conference Facility available in the office of the Deputy Commissioner, Ludhiana..

Dated : 10.12.2019

Sd/-
(**Suresh Arora**)
Chief Information Commissioner
Punjab

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,
Madhya Marg, Sector 16, Chandigarh.

Ph: 0172-2864100-101, Fax 0172 2864110

Visit us @ www.infocommpunjab.com, Email: pcic20@punjabmail.gov.in



Sh. Harjap Singh Boparai,
S/o Sh. Kuldeep Singh Boparai,
VPO: Ghudani Kalan,
Tehsil: Payal,
Distt: Ludhiana.

.....Complainant

Vs

Public Information Officer,
O/o Block Development and Panchayat Officer,
Doraha, Distt: Ludhiana.

.....Respondent

Complaint Case No. 732 of 2019

(Video Conference Proceedings)

Present:- None on behalf of the complainant.

Ms.Pritpal Kaur, Assistant Programme Officer alongwith Ms. Ramandeep Kaur, GRS, on behalf of the respondent.

ORDER

This order may be read with reference to the previous order dated 21.11.2019 vide which the absence of Ms. Navdeep Kaur, Block Development and Panchayats Officer, Doraha, District Ludhiana-cum-PIO was viewed seriously and last opportunity was afforded to her to appear and explain her position but till today nothing has been heard for refund of Rs.200/-

2. The appellant is absent but he has sent an e-mail stating that he has not received any information and no refund of Rs.200/- has been made available to him.

3. Ms. Navdeep Kaur, BDPO, Doraha -cum-PIO was absent on 30.10.2019, 21.11.2019 and today without intimation.

4. The perusal of the file and the conduct of the respondent-PIO compelled the Commission to issue her a formal show cause notice on 30.10.2019 as to why action under Section 20(1) of the RTI Act 2005 should not be taken against her and she was also provided an opportunity to file her written reply/explanation and also make use of opportunity of personal hearing under the principles of natural justice.

Contd.....p/2

5. Since the responsibility to ensure timely transmission of the information to the appellant lies on the PIO, Ms. Navdeep Kaur, BDPO, Doraha District Ludhiana 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.

6. Such kind of failure on the part of 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.

7. 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 she has failed to perform her 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 she has not only failed to perform her duty at her own level but also has shown her casual approach in complying with the explicit order of the Commission.

8. It has been further established from her conduct that she 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 she has in her 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 Ms. Navdeep Kaur, BDPO, Doraha -cum-PIO should be penalised for her negligence in discharge of her statutory duty prescribed under the RTI Act. All her failure make me believe that her sheer neglect to perform her duties will be met only after she 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/-

9. Under these circumstances, I am left with no other option but to decide the question of imposition of penalty and quantum thereof upon Ms. Navdeep Kaur, BDPO, Doraha 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 her.

10. The amount of penalty i.e. Rs. 5000/- (Rupees Five thousand only) should be deducted from her salary in two installments and be deposited in the Government

-3-

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, Ludhiana 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.

11. The present respondent-PIO is directed to intimate the complainant after taking appropriate action on the application dated 22.05.2019 for seeking information with a copy to the Commission before the next date of hearing.

12. The District Development and Panchayats officer, Ludhiana is directed to send copies of challan after depositing Rs.5000/- in the Government Treasury.

13. To come up on **10.01.2020 at 11.00 A.M.** at Chandigarh.

Dated: 10.12.2019.

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

CC

Ms. Navdeep Kaur,
Block Development and Panchayats Officer,
Doraha, District Ludhiana.

(Regd.)

District Development and Panchayats Officer,
Ludhiana.

Deputy Commissioner, Ludhiana.

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,
Madhya Marg, Sector 16, Chandigarh.

Ph: 0172-2864100-101, Fax 0172 2864110

Visit us @ www.infocommpunjab.com, Email: pcic20@punjabmail.gov.in



Sh. Harjap Singh Boparai,
S/o Sh. Kuldeep Singh Boparai,
VPO: Ghudani Kalan,
Tehsil: Payal,
Distt: Ludhiana.

.....Complainant.

Vs

Public Information Officer,
O/o Block Development and Panchayat Officer,
Doraha, Distt: Ludhiana.

.....Respondent

Complaint Case .No. 733 of 2019

Present:- None on behalf of the complainant.

Ms. Prirtpal Kaur, APO alongwith Ms. Ramandeep Kaur, GRS on behalf of
the respondent-PIO.

ORDER

This order may be read with reference to the previous order dated 21.11.2019 vide which last opportunity was afforded to Ms. Navdeep Kaur, Block Development and Panchayats Officer, Doraha, District Ludhiana-cum-PIO for imposition of penalty for not supplying the information within stipulated period provided under the provisions of RTI Act, 2005.

2.. The appellant is absent but he has sent an e-mail stating that he has not received any information and no refund of Rs.200/- has been made available to him.

3. Ms. Navdeep Kaur, BDPO, Doraha -cum-PIO was absent on 30.10.2019, 21.11.2019 and today without intimation.

4. The perusal of the file and the conduct of the respondent-PIO compelled the Commission to issue her a formal show cause notice on 30.10.2019 as to why action under Section 20(1) of the RTI Act 2005 should not be taken against her and she was also provided an opportunity to file her written reply/explanation and also make use of opportunity of personal hearing under the principles of natural justice.

Contd.....p/2

5. Since the responsibility to ensure timely transmission of the information to the appellant lies on the PIO, Ms. Navdeep Kaur, BDPO, Doraha District Ludhiana 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.

6. Such kind of failure on the part of 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.

7. 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 she has failed to perform her 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 she has not only failed to perform her duty at her own level but also has shown her casual approach in complying with the explicit order of the Commission.

8. It has been further established from her conduct that she 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 she has in her 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 Ms. Navdeep Kaur, BDPO, Doraha -cum-PIO should be penalised for her negligence in discharge of her statutory duty prescribed under the RTI Act. All her failure make me believe that her sheer neglect to perform her duties will be met only after she 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/-

9. Under these circumstances, I am left with no other option but to decide the question of imposition of penalty and quantum thereof upon Ms. Navdeep Kaur, BDPO, Doraha 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 her.

10. The amount of penalty i.e. Rs. 5000/- (Rupees Five thousand only) should be deducted from her salary in two installments and be deposited in the Government

-3-

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, Ludhiana 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.

11. The present respondent-PIO is directed to intimate the complainant after taking appropriate action on the application dated 22.05.2019 for seeking information with a copy to the Commission before the next date of hearing.

12. The District Development and Panchayats officer, Ludhiana is directed to send copies of challan after depositing Rs.5000/- in the Government Treasury.

13. To come up on **10.01.2020 at 11.00 A.M.** at Chandigarh.

Dated: 10.12.2019.

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

CC

Ms. Navdeep Kaur,
Block Development and Panchayats Officer,
Doraha, District Ludhiana.

(Regd.)

District Development and Panchayats Officer,
Ludhiana.

Deputy Commissioner, Ludhiana.

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,
Madhya Marg, Sector 16, Chandigarh.

Ph: 0172-2864100-101, Fax 0172 2864110

Visit us @ www.infocommpunjab.com, Email: pcic20@punjabmail.gov.in



Sh. Rakesh Kumar,
S/o Sh. Piar Singh,
Vill: Akhwana,
P.O: Gho,
Tehsil and Distt: Pathankot.

.....Appellant

Vs

Public Information Officer,
O/o Financial Commissioner (Revenue)
Punjab Civil Secretariat,
Punjab, Chandigarh.

.....Respondent

Complaint Case No. 784 of 2019

Present:- Shri Rakesh Kumar, complainant, in person.

Shri Naresh Kumar, Kanugo alongwith Shri Raman Guru, Sernio Assistant
and Shri Japesh Sharma Patwari on behalf of the respondent-PIO.

ORDER

This order may be read with reference to the previous order dated 4.10.2019 vide which the respondent-PIO was directed to take appropriate action with the help of these letters provided to him during the hearing otherwise file written reply in the Commission with a copy to the complainant as early as possible. The complainant was advised to provide more details, if he wants to get the appropriate reply. The respondent-PIO was directed to get help of other officials/officers of Financial Commissioner, Rehabilitation, Punjab Civil Secretariat, Chandigarh in supplying the information under Section 5(4) of the RTI Act, 2005.

2. The representatives of the respondent-PIO sent letter dated 6.12.2019 enclosing replies received from other branches of the Financial Commissioner (Revenue), PIO/Deputy Commissioner, Pathankot and PIO/Tehsildar, Pathankot mentioning that asked for information is not available in their record.

3. The appellant states that he is not satisfied with the reply sent by the respondents. He states that they migrated from Pakistan during the partition and record must be available in the Deputy Commissioner's office at Pathankot or Gurdaspur.

Contd.....p/2

-2-

3. After hearing both the parties and going through the record available on the case file, it is revealed that the concerned information relates to the year 1963-64 and may be available in different offices of Financial Commissioner (Rehabilitation and Resettlement), Punjab, Chandigarh, Deputy Commissioner, Pathankot or Tehsildar, Pathankot. The Deputy Commissioner, Pathankot and Gurdaspur are directed to conduct an inquiry for tracing the record. After completion of the inquiry, inquiry report be sent to the appellant with a copy to the Commission within one month. In view of the above observations, the present case is disposed of and closed. Copies of the order be sent to the parties.

Dated : 10.12.2019

Sd/-
(**Suresh Arora**)
Chief Information Commissioner
Punjab

CC

The Deputy Commissioner,
Gurdaspur.

The Deputy Commissioner,
Pathankot.

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,
Madhya Marg, Sector 16, Chandigarh.

Ph: 0172-2864100-101, Fax 0172 2864110

Visit us @ www.infocommpunjab.com, Email: pcic20@punjabmail.gov.in



Sh. Gian Chand,
S/o Laxman Dass,
Village-Sanghol, Tehsil Khamanoo,
Distt. Fatehgarh Sahib.

.....Complainant

Vs

Public Information Officer,
O/o Deputy Chief Executive Officer,
Zila Parishad,
Fatehgarh Sahib.

.....Respondent

Complaint Case No. 786 of 2019

Present:- Shri Gian Chand, complainant, in person.

Shri Mohan Singh, Clerk, on behalf of the respondent-PIO.

ORDER

This order may be read with reference to the previous order dated 04.10.2019 vide which the representative of the respondents sought some more to supply the inquiry report after its completion.

2. The representative of the respondent-PIO submits inquiry report to the appellant during the hearing. After receipt of inquiry report, the appellant states that he is satisfied with the same. He requests that the case may be closed and disposed of.

3. In view of the statement of the complainant, the present case is disposed of and closed. Copies of the order be sent to the parties.

Dated : 10.12.2019

Sd/-
(**Suresh Arora**)
Chief Information Commissioner
Punjab

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,
Madhya Marg, Sector 16, Chandigarh.

Ph: 0172-2864100-101, Fax 0172 2864110

Visit us @ www.infocommpunjab.com, Email: pcic20@punjabmail.gov.in



Mrs. Paramjit Kaur (Sewadar)
Head Office: Director State Transport,
#2263-A, Sector 24-C,
Chandigarh

.....Complainant

Vs

Public Information Officer,
o/o Director State Transport, Punjab,
Jeevandeep Building,
Sector 17-A, Chandigarh.

.....Respondent.

Complaint Case No. 694 of 2019

Present:- Ms. Paramjit Kaur, complainant, in person.

Shri Sukhwinder Singh, Superintendent alongwith Shri Lalit Kumar ,
Senior Assistant on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 04.10.2019 vide which the respondent-PIO was directed to locate the file in which envelope has been placed and supply a copy of envelope otherwise file an affidavit that the same is not available in the record.

2. The complainant is absent without intimation.

3. The representative of the respondent-PIO places an affidavit of Shri Sukhwinder Singh, Superintendent-cum-PIO on oath stating that information sought by the complainant in her application for seeking information concerning point at Sr. 2 is not available in their record.

4. In view of the affidavit of the Superintendent-cum-PIO, the present case is disposed of and closed. Original affidavit is supplied to the complainant with this order after retaining photocopy of the same for official record. Copies of the order be sent to the parties.

Sd/-

(Suresh Arora)

Chief Information Commissioner
Punjab

Dated : 10.12.2019

DA : As above

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,
Madhya Marg, Sector 16, Chandigarh.

Ph: 0172-2864100-101, Fax 0172 2864110

Visit us @ www.infocommpunjab.com, Email: pcic20@punjabmail.gov.in



Sh. Janak Singh S/o Late Sh. Ujjagar Singh,

R/o Vill. -Behlolpur, (9417132157)

Block –Majri,

District –SAS Nagar (Mohali).

.....Appellant

Vs

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.
None on behalf of the respondents.

ORDER

The RTI application is dated 17.07.2019 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter called FAA) on 20.09.2019 and second appeal was filed in the Commission on 15.11.2019 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today by the Commission.

2. The appellant states that he has sought information on five points but till date no information has been received from the respondents.

3. The representative of the respondent-Shri Yadvinder Singh and Charanjit Singh both Panchayat Secretaries have given in writing that they have to appear in the Civil Court, Kharar so that they may be exempted from appearance today.

4. After hearing the appellant and going through the record available on the case file, it is revealed that information has not been provided to the appellant. The respondents are directed to provide the information supplied to him before the next date of hearing.

5. To come up on 10.1.2020 at 11.00 A.M. at Chandigarh.

Dated :10 12.2019

Sd/-
(**Suresh Arora**)
Chief Information Commissioner
Punjab

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,
Madhya Marg, Sector 16, Chandigarh.

Ph: 0172-2864100-101, Fax 0172 2864110

Visit us @ www.infocommpunjab.com, Email: pcic20@punjabmail.gov.in



Sh. Janak Singh S/o Late Sh. Ujjagar Singh,

R/o Vill. -Behlolpur, (9417132157)

Block –Majri,

District –SAS Nagar (Mohali).

.....Appellant

Vs

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. 4244 of 2019

Present:- Shri Janak Singh, appellant in person.

None on behalf of the respondents.

ORDER

The RTI application is dated 03.09.2019 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter called FAA) on 10.10.2019 and second appeal was filed in the Commission on 15.11.2019 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today by the Commission.

2. The appellant states that he has sought information on two points regarding Rs.35.00 lakhs grants given to BDPO, Majri and Rs.65.00 lakhs spent on the construction of Community Centre by Panchayat, Behlolpur..

3. The representative of the respondent-Shri Yadvinder Singh and Charanjit Singh both Panchayat Secretaries have given in writing that they have to appear in the Civil Court, Kharar so that they may be exempted from appearance today.

4. After hearing the appellant and going through the record available on the case file, it is revealed that information has not been provided to the appellant. The respondents are directed to provide the information supplied to him before the next date of hearing.

5. To come up on 10.1.2020 at 11.00 A.M. at Chandigarh.

Dated :10 12.2019

Sd/-

(**Suresh Arora**)

Chief Information Commissioner
Punjab

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,
Madhya Marg, Sector 16, Chandigarh.

Ph: 0172-2864100-101, Fax 0172 2864110

Visit us @ www.infocommpunjab.com, Email: pcic20@punjabmail.gov.in



Sh. Janak Singh S/o Late Sh. Ujjagar Singh,

R/o Vill. -Behlolpur, (9417132157)

Block –Majri,

District –SAS Nagar (Mohali).

.....Appellant

Vs

Public Information Officer,

O/o Panchayat Secretary, Behlolpur,

C/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).

.....Respondent

Appeal Case No. 4245 of 2019

Present:- Shri Janak Singh, appellant in person.

None on behalf of the respondents.

ORDER

The RTI application is dated 12.09.2019 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter called FAA) on 14.10.2019 and second appeal was filed in the Commission on 15.11.2019 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today by the Commission.

2. The appellant states that he has sought a copy of Resolution passed by Panchayat, Behlolpur regarding duty provided to Shri Jaswinder Singh for switching on and switching of the lights to vide his application dated 12.09.2019 but till date no information has been provided to him.

3. The representative of the respondent-Shri Yadvinder Singh and Charanjit Singh both Panchayat Secretaries have given in writing that they have to appear in the Civil Court, Kharar so they may be given an adjournment.

4. After hearing the appellant and going through the record available on the case file, it is revealed that information has not been provided to the appellant. The respondents are directed to provide the information supplied to him before the next date of hearing.

5. To come up on 10.1.2020 at 11.00 A.M. at Chandigarh.

Sd/-

(Suresh Arora)

Chief Information Commissioner
Punjab

Dated :10 12.2019

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,
Madhya Marg, Sector 16, Chandigarh.

Ph: 0172-2864100-101, Fax 0172 2864110

Visit us @ www.infocommpunjab.com, Email: pcic20@punjabmail.gov.in



Sh. Jung Bahadur Goyal, IAS(Retd.),
S/o Ruldhu Ram,
R/o H. No. 1595, Sector- 38-B,
Chandigarh.

.....Complainant

Vs

Public Information Officer,
O/o Secretary to Govt. of Punjab,
(Personnel Department),
Punjab Civil Secretariat,
Chandigarh.

PIO/Principal Secretary to Government of Punjab,
Departments of Local Bodies, Municipal Bhawan,
Sector 35, Chandigarh.

.....Respondents

Complaint Case No. 861 of 2019

Present:- Shri Jung Bahadur Goyal, appellant, alongwith Advocate Ramaneek Kaur Sandhu.

Shri Pardeep Singh, Supdt.-cum- PIO alongwith Shri Jatinder Singh, Senior Assistant, on behalf of Secretary to Government of Punjab, Department of Personnel, Chandigarh and Shri Gagandeep, Senior Assistant o/o Department of Local Bodies, Punjab, Chandigarh..

ORDER

This order may be read with reference to the previous order dated 27.11.2019 vide which Principal Secretary to Government of Punjab, Department of Local Bodies was impleaded as a necessary party for taking action on the application of the complainant forwarded by Secretary to Government of Punjab, Department of Personnel, Punjab Civil Secretariat.

2. The complainant states that no information has been supplied to him till date.

Contd.....p/2

-2-

3. The representatives of the respondent-PIO states that the sought for information cannot be supplied to the complainant as the matter is under-consideration with the higher authorities. They have written to Local Bodies Department vide their letters dated 22.5.2019, 31.5.2019, 8.7.2019, 11.7.2019, 6.8.2019, 19.9.2019 and 13.11.2019 but no reply has been received from them.

4. After hearing both the parties and going through the record available on the case file, it is revealed that Personnel Department has written many letters (as mentioned above) to the Local Bodies Department information but no reply has been received from the Department of Local Bodies till date. The PIO/Principal Secretary to Government of Punjab, Department of Local Bodies is directed to bring original file for perusal of the Commission on the next date of hearing..

5. To come up on 10.01.2020 at 2.30 P.M.

Dated : 10.12.2019

Sd/-
(**Suresh Arora**)
Chief Information Commissioner
Punjab

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,
Madhya Marg, Sector 16, Chandigarh.

Ph: 0172-2864100-101, Fax 0172 2864110

Visit us @ www.infocommpunjab.com, Email: pcic20@punjabmail.gov.in



Sh. Inderjeet Singh RTI Activist,
C/o Chamber No. 141-A,
New Courts, Distt.-Jalandhar.

Vs

Public Information Officer,
O/o Director Rural Development & Panchayat,
Pb, Panchayat Bhawan, Sector-62, Mohali.

First Appellate Authority,
O/o Director Rural Development & Panchayat,
Pb, Panchayat Bhawan, Sector-62, Mohali. Respondents

Appeal Case No. 3260 of 2019

(Video Conference Proceedings)

Present:- Shri Inderjit Singh, appellant..
None on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 25.10.2019 vide which the appellant was advised to peruse the information supplied to him and point out deficiencies in the provided information within seven days.

2. The appellant has sent deficiencies to the Commission vide his letter dated 8.11.2019 in both the cases i.e. Appeal Cases No. 3260/2019 and Appeal Case No.3294/2019. The appellant states that he may be given information regarding number of complaints received and disposed of, certified copies of the complaints received and certified copies of the inquiry reports in respect of complaints disposed off, details of complaints pending alongwith its reason and inform time period required to dispose of the complaints as per Panchayat's Rules since 2006 to 31.01.2019.

3. None is present on behalf of the respondents without intimation.

4. The respondents are directed to take appropriate decision regarding point at No.3. Regarding question at Sr. No.4, only details are to be given and there is no need to give reasons and regarding question at Sr. No.5, reply to question is to be provided as available on record..

5. Viewing the absence of Shri Amardeep Singh Bains, Deputy Director-cum-PIO seriously, the PIO is, thus, issued a show cause notice to explain in a self-attested affidavit as to why a penalty @ Rs.250/- per day of delay subject to a maximum of

Contd.....p/2

-2-

Rs.25000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on his for causing willful delay/denial of the information to the RTI applicant and why the compensation be not awarded to the information-seeker under Section 19(8)(b) of the Act for the detriment suffered by him.

6. In addition to the written reply, the PIO is also given an opportunity under Section 20(1) proviso thereto, for a personal hearing before the imposition of such penalty on the next date of hearing. He may take note that in case he does not file his written reply and does not avail himself of the opportunity of personal hearing on the date fixed, it will be presumed that he has nothing to say and the Commission shall proceed to take further proceedings against him ex parte.

7. To come up on 08.01.2020 at 3.00 P.M. to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Jalandhar. The appellant is advised to appear through Video Conference Facility at Jalandhar and the representative of the respondents at Chandigarh.

Dated : 10.12.2019

Sd/-
(**Suresh Arora**)
Chief Information Commissioner
Punjab

CC

Shri Amardeep Singh Bains,
Deputy Director-cum-PIO,
o/o Directorate of Rural Development and Panchayats, Punjab,
Vikas Bhawan, Sector 62, SAS Nagar.

The Director Rural Development and Panchayats, Punjab,
Vikas Bhawan, Phase VIII, Mohali (by name) for information and to ensure the presence of PIO during proceedings in future.