

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,

Sector 16, Chandigarh.

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Sh. Inderjit RTI Activist 7888383867

Chamber No. 141 A,

New Court Jalandhar,

Jalandhar.

....Appellant

Vs

Public Information Officer

o/o Panchayat Secretary, Gram Panchayat Satowal,

c/o Block Development and Panchayats Officer,

Adampur,

Jalandhar.

First Appellate Authority

o/o District Development and Panchayats Officer,

Mini Secretariat,

Jalandhar.

....Respondents

Appeal Case No. 1915 of 2020

(Cisco Webex/phone proceedings)

Present:- Sh. Inderjit, appellant, on phone

Sh. Vijay, Panchayat Secretary on behalf of the respondents.

ORDER

The RTI application is dated 21.1.2020 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 5.3.2020 and second appeal was filed in the Commission on 20.7.2020 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today.

2. The appellant states that the no information has been supplied by the respondents. However, the respondent-Public Information Officer states that the information comprising 137 pages is ready and the appellant may collect the information from the office of the Block Development and Panchayats Officer and the appellant states that he will collect the same personally from the Block Development and Panchayats Officer office today itself i.e. 11.9.2020.

3. Accordingly, the appellant is advised to go through the same on its receipt and point out deficiency, if any, to the respondent-Public Information Officer with a copy to the Commission and the respondent-Public Information Officer is directed to remove the same in case any deficiency is pointed out by the appellant.

4. To come up on 30.9.2020 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Jalandhar/Cisco Webex.

Sd/

Dated: 11.9.2020

(Suresh Arora)

Chief Information Commissioner,
Punjab.

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Sh. Inderjit RTI Activist 7888383867

Chamber No. 141 A,

New Court Jalandhar, Jalandhar.

....Appellant

Vs

Public Information Officer

o/o Block Development and Panchayats Officer,

Block Adampur, Jalandhar

First Appellate Authority

o/o District Development and Panchayats Officer,

Mini Secretariat, Jalandhar.

....Respondents

Appeal Case No. 1913 of 2020

(Cisco Webex/phone proceeding)

Present:- Sh. Inderjit, appellant, on phone.

Ms Kuldeep Kaur, Block Development and Panchayats Officer, on behalf of
the respondents, on phone.

ORDER

The RTI application is dated 21.1.2020 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 9.6.2020 and second appeal was filed in the Commission on 20.7.2020 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today.

2. The appellant states that the information pertaining to Point No. 1 and 3 of the RTI application has been received and he is satisfied with the information so supplied by the respondents. He further requests that the respondent-Public Information Officer may be directed to supply the remaining information pertaining to Point No.2,4 and 5 of the RTI application.

3. However, a letter dated 24.2.2020 has been received from the respondent-Public Information Officer vide which the information pertaining to Point No. 2 and 4 have also been supplied. Copy of the said letter is sent with this order. The respondent-Public Information Officer reiterated the same.

4. After hearing both the parties and going through the case file, the Commission accepts the reply given by the respondent with regard to Point No. 2 and 4 of the RTI application of the appellant. Accordingly, the concerned Panchayat Secretary o/o the Block Development and Panchayats Officer is impleaded as necessary party in this case and he is also directed to supply the information pertaining **to Point No. 5 of the RTI application, which is attached with this order before the next date of hearing.**

4. To come up on 30.9.2020 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Jalandhar/Cisco Webex.

Sd/

Dated: 11.9.2020

(Suresh Arora)

Chief Information Commissioner,

Punjab.

Encl: a/a

Public Information Officer-cum-

Registered

Panchayat Secretary, Village Satowali

c/o Block Development and Panchayats Officer,

Block Adampur, Jalandhar

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Sh. Inderjit RTI Activist 7888383867

Chamber No. 141 A,

New Court Jalandhar,

Jalandhar.

....Appellant

Vs

Public Information Officer

o/o District Development and Panchayats Officer,

Mini Secretariat,

Jalandhar.

First Appellate Authority

o/o Addl. Deputy Commissioner (Dev.)

Mini Secretariat,

Jalandhar

Public Information Officer

o/o the Addl. Deputy Commissioner (Dev.)

Mini Secretariat, Jalandhar

....Respondents

Appeal Case No. 1914 of 2020

(Cisco Webex proceedings/on phone)

Present:- Sh. Inderjit, appellant, on phone.

Sh. Iqbaljeet Singh, District Development and Panchayats Officer on behalf of the respondents, on phone.

ORDER

The RTI application is dated 23.1.2020 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 5.3.2020 and second appeal was filed in the Commission on 20.7.2020 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today.

2. The appellant states that no information has been supplied to him so far.

3. A letter dated 10.9.2020 along with the letter dated 1.7.2020 has been received from the respondent-Public Information Officer-cum-District Development and Panchayats Officer. The District Development and Panchayats Officer states that the information pertains to the Addl. Deputy Commissioner (Dev.) and the office of the Director, Rural Development & Panchayat Deptt., Pb.

4. After going through the case file it has transpired that the Addl. Deputy Commissioner (Dev.) has issued a notice to the District Development and Panchayats Officer to provide the information. Accordingly, the Public Information Officer o/o the Addl. Deputy Commissioner (Dev.) is impleaded as necessary party in this case and directed to provide the complete information pertaining to the RTI application of the appellant. He is also directed that in case the information does not relate to the office of the Addl. Deputy Commissioner (Dev.) **the RTI application of the appellant be transferred to the concerned office under Section 6(3) of the RTI Act.**

5. To come up on 22.10.2020 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Jalandhar/Cisco Webex.

Dated: 11.9.2020

(Suresh Arora)

Chief Information Commissioner,
Punjab.

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Sh. Manpreet Singh Aulakh,
s/o Sh. Davinder Singh,
r/o Vill Kailpur, P.O. Dakha,
District Ludhiana

....Appellant

Vs

Public Information Officer,
o/o Executive Officer,
Nagar Council, Mullanpur Dakha,
Ludhiana,

First Appellate Authority
o/o Deputy Director,
Local Bodies,
Mini Secretariat, Ludhiana.

....Respondents

Appeal Case No. 3746 of 2019
(Cisco Webex Proceedings)

Present:- None on behalf of the appellant.

Sh. Vikramjeet, Executive Officer on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 13.8.2020 vide which the respondents were directed to pay the compensation amounting to Rs.5000/- to the appellant and a show cause notice to impose penalty was issued to Sh. Vikramjeet, Executive Officer and Sh. Parvinder Singh, Chief Executive Officer, Mullanpur Dakha and the case was adjourned to 11.9.2020.

2. A letter bearing No. 883 dated 10.9.2020 has been received in the Commission, which is taken on record, from the Public Information Officer o/o Nagar Council, Mullanpur Dakha in which it has been mentioned that due to the reason that Sh. Parvinder Singh, Executive Officer having tested corona positive, the case may be adjourned.

3. A reply has been received from Sh. Vikramjeet, which is taken on record in which it has been mentioned that he was not posted from the date of RTI application i.e. 27.6.2019 to the date of 1st reply to the appellant dated 27.7.2019 by the Nagar Council Mullanpur Dakha. Whereas a certificate has been received from the Chief Executive Officer, Nagar Council, Mullanpur Dakha bearing No. 874 dated 10.9.2020 in which it has been mentioned that Sh. Vikramjit, Executive Officer was posted at Nagar Council Mullanpur Dakha from 11.7.2017 to 23.8.2018 and 6.8.2019 to 6.12.2019, which is taken on record. The decision regarding show cause notice issued to Sh. Vikramjit, Executive Officer, will be taken on the next date of hearing.

4. Also the directions are issued to Sh. Parvinder Singh, Chief Executive Officer-cum-Public Information Officer, Nagar Council, Mullanpur Dakha to file his reply with regard to show cause notice issued to him on 13.8.2020 and also file the reply with regard to supply of information as per the orders of the Commission dated 13.8.2020.

5. To come up on 30.9.2020 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Ludhiana/Cisco Webex.

Sd/

Dated:11.9.2020

(Suresh Arora)

Chief Information Commissioner,
Punjab.

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Shri Vikramjeet, (Registered)
Executive Officer,
Nagar Council,
Ahmedgarh (Sangrur).

Shri Parvinder Singh, (Registered)
Chief Executive Officer-cum-
Public Information Officer,
Nagar Council, Mullanpur Dakha,
Ludhiana.

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Sh. Ajay Kumar,

R/o H No.- 1, Rose Avenue Colony,

Near Improvement Trust Office,

Block- Malerkotla,

District -Sangrur.

.....Appellant

Vs

Public Information Officer,

O/o Block Development & Panchayats Officer,

Block- Malerkotla-1,

District -Sangrur.

First Appellate Authority,

O/o Block Development & Panchayats Officer,

Block- Malerkotla-1,

District -Sangrur.

.....Respondents

Appeal Case No. 882 of 2020

(Cisco Webex proceedings)

Present:- Sh. Ajay Kumar, appellant, on phone

Sh. Harbans Singh, Samiti Patwari, on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 13.8.2020.

2. The appellant has sent the submissions through email, which are taken on record. The respondent-Public Information Officer has also sent a copy of letter written to the appellant relating to the information as has been sought by the appellant, which is taken on record. None has appeared on behalf of the Tehsildar Amargarh but a telephonic message has been received that the information pertaining to Point No. 2 will be provided in 2-3 working days positively.

3. After deliberations, the respondent-Public Information Officer o/o Block Development and Panchayats Officer is directed to provide the copy of patanama (Point no.4) along with the written reply regarding Point No.7 that there is no video recording is available on record regarding the auction of part of shamlat land on 1.7.2014 of Village Niamatpur.

4. To come up on 22.9.2020 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Sangrur/ Cisco Webex.

Sd/

Dated: 11.9.2020

(Suresh Arora)

Chief Information Commissioner,
Punjab.

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Sh. Sardool Singh S/o Sh. Sukhchain Singh,
R/o Vill. -Ghumara, (98150-41837)
Tehsil -Malout, 151211
District -Sri Muktsar Sahib.

.....Complainant

Vs

Sh. Sukhjinder Singh, **(Registered)**
Public Information Officer,
O/o Panchayat Secretary, Ghumiara,
C/o Block Development & Panchayat Officer,
Block -Lambi, Tehsil -Malout,
District- Sri Muktsar Sahib.

Public Information Officer -cum- (By name)
Block Development and Panchayats Officer, **(Registered)**
Lambi, District Sri Mukatsar Sahib.

PIO/Water Supply and Sanitation Department, Punjab,
Malout, District Sri Mukatsar Sahib.Respondents

Complaint Case .No. 995 of 2019

(Cisco Webex proceedings)

Present:- Sh. Sardool Singh, complainant, on phone
Sh. Harjinder Singh, Panchayat Secretary, on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 13.8.2020 vide which show cause notice was issued to Sh. Sukhjinder Singh, Panchayat Secretary with the directions to supply the information. The case was adjourned to 11.9.2020.

2. Sh. Harjinder Singh, Panchayat Secretary sent a letter that he is unable to supply the information due to the reason that Sh. Sukhjinder Singh is not handing over the charge to him.

3. Shri Sukhjinder Singh, Panchayat Secretary-cum-PIO was absent during the previous hearings on 13.08.2020, 24.6.2020, 9.3.2020, 24.2.2020, 31.1.2020 and 16.1.2020. During the last hearing on 13.8.2020, a show cause notice was issued to him but even though the respondent-Public Information Officer remained absent today on the one hand and not handing over the charge to the present incumbent on the other hand.

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 13.8.2020 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.

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Complaint Case .No. 995 of 2019

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4. Since the responsibility to ensure timely transmission of the information to the appellant lies on the PIO, Shri Sukhjinder Singh, Panchayat Secretary o/o Block Development and Panchayats Officer, 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.

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 Sukhjinder Singh, Panchayat Secretary-cum-Public Information Officer o/o Block Development and Panchayats Officer, 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/-

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Complaint Case .No. 995 of 2019

-3-

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. Sukhjinder Singh, Panchayat Secretary o/o Block Development and Panchayats Officer 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-Public Information Officer failed to comply with the orders of the Commission. Accordingly, a penalty of Rs. 2500/- (Rupees two thousand five hundred only) is imposed on him.

9. The amount of penalty i.e. Rs. 2500/- (Rupees two thousand five hundred only) should be deducted from his salary 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 Block Development and Panchayats Officer, Sri Mukatsar shall ensure that this amount of penalty is deducted from the salary of the above said defaulting official for the month of September, 2020 and deposited in the Treasury under the relevant head and sent compliance report to the Commission on or before 20.10.2020.

10. Also the Public Information Officer-cum-Block Development and Panchayats Officer, Lambi, Sri Mukatsar Sahib is directed to ensure that the official record is handed over to the present incumbent, Sh. Harjinder Singh, Panchayat Secretary and the complete information pertaining to Point no. 1,3 and 4 of the RTI application is provided to the complainant before the next date of hearing failing which the penalty provisions will be invoked.

11. The Public Information Officer-cum-Block Development and Panchayats Officer is also directed to place on record the name, present posting and mobile number of the Public Information Officer o/o the Block Development and Panchayats Officer, Lambi from the date of RTI application i.e. 11.1.2019 before the next date of hearing.

12. To come up on 25.9.2020 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Sri Muktsar Sahib/ Cisco Webex.

Dated: 11.9.2020

(Suresh Arora)

Chief Information Commissioner,
Punjab.

Sh. Harjinder Singh, Registered
Public Information Officer,
O/o Panchayat Secretary, Ghumiara,
C/o Block Development & Panchayat Officer,
Block –Lambi, Tehsil -Malout,
District- Sri Muktsar Sahib.

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Sh. Narinder Kumar, 9876702642,

S/o Sh. Gopal Krishan,

Vill: Prem Singh Wala,

P.O: Buzark, Tehsil: Samana,

Distt: Patiala

.....Complainant

Vs

Public Information Officer, Registered

Panchayat Secretary, Gram Panchayat,

Prem Singh Wala, Block Samana,

c/o Block Development & Panchayat Officer,

Block Samana,

Distt: Patiala.

.....Respondent

Complaint Case .No. 723 of 2019

(Cisco Webex proceedings)

Present:- Shri Narinder Kumar, complainant.

Shri Gurmail Singh, Block Development and Panchayats Officer on behalf of the respondent.

ORDER

This order may be read with reference to the previous order dated 13.8.2020.

2. The complainant states that he has inspected the record of panchayat from 2010 to 2013 today i.e. 11.9.2020 in the office of the Block Development and Panchayats Officer. However, the Block Development and Panchayats Officer assures that the record pertaining to the year 2013 to 2018 is available and the same will be got inspected from the complainant today itself and whatever information pertaining to the RTI application of the complainant will be supplied except the record which is in the custody of the Hon'ble Court.

3. Shri Surjit Singh, Panchayat Secretary-cum-Public Information Officer is absent even though the respondent-Public Information Officer was issued a show cause notice on 24.6.2020 but neither his reply has been received nor he is present during the hearing.

3. The perusal of the file and the conduct of the respondent-Public Information Officer compelled the Commission to issue him a formal show cause notice on 24.6.2020 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 Surjit Singh, Panchayat Secretary o/o Block Development and Panchayats Officer, 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.

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Complaint Case .No. 723 of 2019

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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.

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 Surjit Singh, Panchayat Secretary-cum-Public Information Officer o/o Block Development and Panchayats Officer, 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. Surjit Singh, Panchayat Secretary o/o Block Development and Panchayats Officer 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-Public Information Officer failed to comply with the orders of the Commission. Accordingly, a penalty of Rs. 2500/- (Rupees two thousand five hundred only) is imposed on him.

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Complaint Case .No. 723 of 2019

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9. The amount of penalty i.e. Rs. 2500/- (Rupees two thousand five hundred only) should be deducted from his salary 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 Block Development and Panchayats Officer, Samana shall ensure that this amount of penalty is deducted from the salary of the above said defaulting official for the month of September, 2020 and deposited in the Treasury under the relevant head and sent compliance report to the Commission on or before 20.10.2020.

10. Also the Public Information Officer-cum-Block Development and Panchayats Officer, Samana is directed to make available the record for inspection of the complainant and provide the copies of documents if so identified by him pertaining to the year 2010-2013 failing which the action will be initiated against him under the provisions of the RTI Act, 2005 on the next date of hearing.

11. To come up on 25.9.2020 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Patiala/ Cisco Webex.

Sd/

Dated:11.9.2020

(Suresh Arora)

Chief Information Commissioner,
Punjab.

Sh. Gurmail Singh, Registered
Block Development and Panchayats Officer,
Block Samana,
Patiala.