



Ms. Baljeet Kaur,
D/o Sh. Jang Singh, R/o House No. 369,
Sector 10 A, Surjit Nagar,
Mandi Gobindgarh, Distt. Fatehgarh Sahib.

Appellant

Versus

Public Information Officer,
O/o Block Development and Panchayat Officer,
Bassi Pathana, Distt. Fatehgarh Sahib.
First Appellate Authority,
O/o District Development and Panchayat Officer,
Distt. Fatehgarh Sahib.

Respondents

Appeal Case No.2593/2018

Date of RTI application: 24.10.2017
Date of First Appeal : 25.05.2018
Date of Reply : Nil
Date of Order of FAA : Nil
Date of 2nd Appeal/complaint: 01.08.2018

Present: Smt. Baljeet Kaur, Appellant in person.

1. Sh. Jarnail Singh, Gram Rozgar Sahayak, MNREGA, BDPO Office, Block-Bassi Pathana – for Respondents,
2. Sh. Gurkanwal Singh Sandhu, Panchayat Secretary, O/o BDPO, Bassi Pathana – for Respondents.

Order

Reproduction of order passed on 07.02.2019 shall bring forth the factual position of the case:

“The appellant is alleging misappropriation of MGNREGA funds by the Gram Panchayat by fudging the record and muster rolls in cahoot with the departmental authorities. She has sought the record relating to preparation of the job cards of the workers in the village by the concerned authority.

The respondents submit that the jurisdictional Panchayat Secretary was duly directed to attend the proceedings along with the original record. However, due to notice of an unscheduled hearing in the Hon’ble Punjab & Haryana High Court, Chandigarh he is unable to attend the proceedings in the Commission. As the application has been duly forwarded to Sh. Gurkanwal Singh Sandhu, Panchayat Secretary under Section 6(3) of the Act he is directed to file a written



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statement and explain his failure in providing the information. Meanwhile he shall ensure that the sought for information is transmitted to the appellant without further loss of time.”

The case has come up today. Despite the express order of the Commission the respondents have failed to provide the information. No written reply has been filed also. The respondents are absent. The Commission takes a strong exception to their conduct and brazenness. The respondents render themselves liable for penal consequences.

The Block Development & Panchayat Officer, Bassi Pathana and Sh. Gurkanwal Sandhu, Panchayat Secretary, O/o BDPO, Bassi Pathana are issued show cause notice to explain in a self- attested affidavit as to why a penalty @ Rs.250/- per day of delay subject to maximum of Rs.25,000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on them for causing willful delay / denial of the information to the RTI applicant and why the compensation be not awarded to the Appellant under Section 19 (8) (b) of the Act for the detriment suffered by her.

In addition to the written reply, they are 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. They may take note that in case they do not file their written reply and do not avail themselves of the opportunity of personal hearing on the date fixed, it will be presumed that they have nothing to say and the Commission shall proceed to take further proceedings against them ex parte.

Meanwhile Sh. Gurkanwal Sandhu, Panchayat Secretary is directed to bring along the entire record in the Commission on the next date of hearing failing which the Commission shall be



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constrained to invoke its authority under Section 18(3) to coerce his presence in the Commission.”

“The case has come up today. The respondents say that they had sent the information by speed post, but it was refused to be received as intimated by postal authorities. They have brought it along in the court itself. It has been delivered to the appellant. She has found it to be in order except that the copy of original application filed by her for enrolment as a worker and issue of a job card is not tagged along. The respondents say that the record in question is not available with them as most likely it has been intentionally withheld by the appellant or her family who were in custody of the same. Be that as it is the respondents are desired to file an affidavit in this regard about the non-availability of the aforesaid application.”

The case has again come up for hearing today. Sh. Gurkanwal Singh Sandhu, Panchayat Secretary was desired to file an affidavit to the effect that the record which has not been supplied is actually missing and is not available. However, he has failed to do so. It has further been brought to the notice of the Commission that the respondents are misleading the Commission by withholding the information with reference to the payments released to the job card holders. It has been reflected in a copy of the muster roll that one Smt. Parwinder Kaur and others are being credited with the wages into their accounts maintained in the State Bank of Patiala whereas the copy of the passbook furnished to the appellant concerns the Punjab & Sind Bank only. While directing Sh. Gurkanwal Singh Sandhu, Panchayat Secretary to provide the appellant the details of all the remunerations credited into the account of Smt. Parwinder Kaur the Commission holds Sh. Gurkanwal



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Singh Sandhu, Panchayat Secretary responsible for the same. He will file a written explanation as to why the show cause notice issued to him earlier should not be enforced for violation of the provisions of the RTI Act on his part and his department be not asked to proceed disciplinarily against him.”

The matter has again been taken up today. The respondents have brought along the record which clarifies the position of the payments made to the rightful workers. The record has been arranged to be passed on to the appellant. The Commission observes that the needful has been done. No further action is called for.

Disposed.

12.03.2019

**Sd/-
(Yashvir Mahajan)
State Information Commissioner**



Sh. Kashmir Singh Bhinder,
S/o Sh. Kartar Singh,
H.No.2414, Phase XI, Sector – 65,
S.A.S Nagar.

Appellant

Versus

Public Information Officer,
O/o Block Development and Panchayat Officer,
Kot Isse Khan, Tehsil Dharamkot,
Distt. Moga.

First Appellate Authority,
O/o Block Development and Panchayat Officer,
Kot Isse Khan, Tehsil Dharamkot,
Distt. Moga.

Respondents

Appeal Case No.2282/2018

Date of RTI application: 05.02.2018
Date of First Appeal : 30.04.2018
Date of Order of FAA or Reply: Nil
Date of 2nd Appeal/complaint: 09.07.2018

Present: Sh. Kashmir Singh Bhinder, Appellant in person.
None on behalf of the Respondents.

ORDER

It shall be prudent to reproduce the order passed by this forum on 22.11.2018 which shall throw light on the factual matrix of the issue:

“Vide application dated 05.02.2018 the appellant had sought to know the details of development works with the description mentioned in his original application and the connected information.

Due to technical glitch the video conference could not mature. The appellant is present at Commission’s office, Chandigarh. From the perusal of record and hearing the appellant it transpires that the original application was filed on 05.02.2018. Having failed to receive the information even after filing first appeal the appellant has been constrained to file second appeal with the Commission. None is present on behalf of the respondents. No reply has been filed.

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The Commission takes strong exception to such a lackadaisical attitude on the part of respondents. At the face of it the respondents have violated Section 7(1) of the RTI Act and rendered themselves liable for penal consequences.

The PIO – cum - BDPO, Kot Isse Khan, District Moga is 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 maximum of Rs.25,000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on him for causing willful delay / denial of the information to the RTI applicant and why the compensation be not awarded to the Appellant under Section 19 (8) (b) of the Act for the detriment suffered by him.

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.”

“The case has come up today. The parties are present. The proxy for the respondents submit that the information has been dispatched to the appellant under registered cover today. They have brought along a copy of the same which has been handed over on spot to the



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appellant. The appellant may like to go through it and point out in writing the deficiency, if any, which shall be addressed to by the respondents. The Commission further observes that there has been a glaring and inordinate delay in responding to the application. The respondents are desired to explain in writing as has been mentioned in the show cause notice before the next date of hearing failing which it shall be presumed that they have nothing to say and suitable call on the same shall be taken accordingly. “

The matter has again been taken up today. The Commission feels that though the material part of the information relating to the application has been supplied however some of the points which are in the nature of seeking explanations or replies to certain queries have not been responded to. Even so, the information stated to have been provided is unduly delayed. It is understood that the charge of BDPO, Kot Isse Khan has changed many hands. The Commission directs the incumbent officer to inform the Commission about the history of posting of PIOs in this case from the date the application was filed and the information supplied.

To come up on **02.05.2019 at 11.30 AM.**

12.03.2019

**Sd/-
(Yashvir Mahajan)
State Information Commissioner**