



Sh Kartar Singh, S/o Sh.Dalip Singh,
R/o 433/16, Govt College Road,
New Sant Nagar
Gurdaspur.(M-6280325205)

... Complainant

Versus

Public Information Officer,
O/o SMO,
SMO Mandi Gobindgarh.

...Respondent

Complaint Case No. 119 of 2022

PRESENT: None for the complainant
None for the Respondent

ORDER:

The complainant through an RTI application dated 01.10.2021 has sought information regarding a copy of the GIN account certificate from 01.02.2019 to 30.06.2021 - salary for dated 06.04.2020, 27.04.2020, 09.05.2020 – increment 06.05.2019 to 04.06.2019 & HRA as enumerated in the RTI application from the office of SMO, Mandi Gobindgarh. The complainant was not provided with the information, after which the complainant filed a complaint in the Commission on 04.03.2022.

The case last came up for hearing on 25.04.2022 through video conferencing at DAC Gurdaspur/Patiala. Both the parties were absent.

The case was adjourned.

Hearing dated 14.09.2022:

The case has come up for hearing today through video conferencing at DAC Gurdaspur. Both the parties are absent.

The Commission has received a reply of the PIO on 29.04.2022 which has been taken on record. In the said reply, it has been mentioned by the PIO that the information on point-1 relates to the earned leave of the appellant which the appellant had inadvertently applied in Fatehgarh Sahib since the appellant was temporarily posted in Civil Hospital Fatehgarh Sahib. Thereafter, the Civil Hospital Fatehgarh Sahib forwarded the same to this office for approval and after approval; the payment was made to the complainant.

It has been further mentioned in the reply that the information regarding point 2,3 &4 relates to the service book of the complainant which on the transfer of the complainant, was sent online as well as offline to PHC Budhabar, District Hoshiarpur. However, despite writing letter on 04.03.2022 and 06.04.2022 to SMO-PHC Budhabar, the service book has not yet been received back, hence till the receipt of the service book from PHC Budhabar, the matter cannot be resolved.

The case is adjourned. To come up for further hearing on **22.11.2022** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Gurdaspur. The PIO to appear at Chandigarh.

Chandigarh
Dated: 14.09.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
Ph: 0172-2864114, Email: - psicsic30@punjabmail.gov.in
Visit us: - www.infocommpunjab.com



Sh N. S Bhatti Advocate,
Chamber NO-33, New Judicial Court Complex,
Ajnala, Distt Amritsar.

... Appellant

Versus

Public Information Officer,
O/o Director,
Women & Child Deptt,
Pb, Sector-34-A, Chandigarh.

First Appellate Authority,
O/o Director,
Women & Child Deptt,
Pb, Sector-34-A, Chandigarh.

...Respondent

Appeal Case No. 166 of 2022

PRESENT: Sh.N.S.Bhatti as the Appellant
Smt.Indu Bala, APIO and Sh.Jaspreet Singh, CDPO Ajnala for the
Respondent

ORDER:

The appellant through an RTI application dated 25.08.2021 has a copy of the reply of the legal notice sent on 25.05.2021 alongwith action taken thereon relating to Smt.Sukhdarshan Kaur of village Gurala, Tehsil Ajnala from the office of Director Women & Child Department, Pb Chandigarh. The appellant was not provided with the information, after which the appellant filed a first appeal before the First Appellate Authority on 27.10.2021 which took no decision on the appeal.

The case last came up for hearing on 27.06.2022 through video conferencing at DAC Amritsar. The respondent present pleaded that they received the RTI application from the office of Director Social Security Women & Child Development, Pb Chandigarh on 13.12.2021. And since the matter relates to the release of CPF of Smt.Sukhdarshan Kaur, who was an employee in the office of Child Development Project Officer, Harshachhina, District Amritsar and retired in the year 2012, after preparing her CPF case, the same was sent to the Child Development Project Officer, Harshachhina on 23.06.2022 for release with a copy to the appellant.

The appellant was absent nor represented.

Having gone through the record, the Commission observed that the RTI application was filed on 25.08.2021 whereas the PIO-Director Social Security Women & Child Development, Pb Chandigarh transferred to the office of CDPO Ajnala on 13.12.2021 with a delay of more than three months. Further, the PIO-CDPO sent a reply on 23.06.2022 with a delay of more than six months.

Since there has been a delay of more than three months in transferring the RTI application by the PIO-Director Social Security Women & Child Development, Pb Chandigarh to CDPO-Ajnala and CDPO Ajnala, the PIO-Director Social Security Women & Child Development, Pb Chandigarh was issued a **show cause notice under section 20 of the RTI Act 2005 for not transferring the RTI application within the statutorily prescribed period of time and directed to file reply on an affidavit.**

Further, there has been a delay of more than six months in providing the information by the PIO- CDPO-Ajnala, the PIO-CDPO Ajnala was also issued a **show cause notice under section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time and directed to file reply on an affidavit.**

Hearing dated 14.09.2022:

The case has come up for hearing today through video conferencing at DAC Amritsar. The Commission has received reply of the PIO O/o Director Women & Child Development, Pb Chandigarh on 07.09.2022 as well as reply of the PIO-CDPO Ajnala on 31.08.2022 which have been taken on record.

The respondent present from the office of CDPO Ajnala informed that the RTI application was transferred to their office by office of Director Women and Child Dev. Pb Chandigarh on 13.12.2021 and since the matter relates to the release of CPF of Sukhdarshan Kaur, after preparing the case, the same was sent to Child Development Project Officer, Harshachhina for release with a copy to the appellant.

The appellant stated that the PIO has not provided the action taken on his legal notice.

Hearing both the parties, the PIO-CDPO Ajnala is directed to provide information to the appellant within 15 days with a copy to the Commission.

The decision on show cause shall be taken at the next date of hearing.

To come up for further hearing on **10.01.2023 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Amritsar. The PIO-Director, Social Security Women & Child Development to appear at Chandigarh.

Chandigarh
Dated: 14.09.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to :Child Development & Project Officer,
Ajnala, District Amritsar.

Sh Sudesh Kumar, S/o Sh Roshan Lal,
R/o Quarter No-7, Near Sai Mandir,
Ajnala, Distt Amritsar.

... Complainant

Versus

Public Information Officer,
O/o Director,
Health & Family Welfare Deptt,
Sector-34-A, Chandigarh.

...Respondent

Complaint Case No. 1199 of 2021

PRESENT: Sh.N.S.Bhatti for the Appellant
None for the Respondent

ORDER:

The complainant through an RTI application dated 03.11.2020 has sought information regarding a copy of diary dispatch register regarding the entry of letter dated 05.09.2020 – action taken on application dated 05.09.2020 alongwith noting/correspondence letters and statement recorded – the time period to be taken for dealing a complaint with reasons for delay etc. as enumerated in the RTI application concerning the office of Director Health and Family Welfare, Pb Chandigarh. The complainant was not provided with the information after which the complainant filed a complaint in the Commission on 06.10.2021.

The case last came up for hearing on 11.05.2022 through video conferencing at DAC Amritsar. As per the complainant, the PIO had not supplied the information.

The respondent present pleaded that the complaint dated 05.09.2020 of the complainant was not received till the date of filing of RTI application and the same was received only on 27.11.2020. Thereafter, the complaint was marked to the Civil Surgeon, Amritsar vide letter dated 12.02.2021 for conducting an enquiry into the matter and to send an enquiry report within 15 days and the reply was sent to the complainant vide letter dated 15.02.2021. However, even issuance of a reminder to the Civil Surgeon, Amritsar on 12.10.2021, no report was been received.

The respondent further informed that the complainant had also filed a complaint in Police Station Ajnala against Arjinderpal Kaur. As per the respondent, the complainant had also filed a writ petition in the Hon'ble High Court of Punjab & Haryana which was dismissed on 31.08.2021.

From the facts that appeared at the hearing, the complaint which was filed by the complainant through registered post on 05.09.2020, was received by the department only on 27.11.2020 which technically makes the RTI application dated 03.11.2020 redundant and technically a fresh RTI application on the matter should have been filed,

However, from the RTI application, there appeared to be a larger public interest through disclosure of this information, thus the Commission considered this as a fresh RTI application and directed the Health Authority to reconcile this RTI application.

Hearing dated 14.09.2022:

The case has come up for hearing today through video conferencing at DAC Amritsar. As per representative of the appellant, the PIO has not supplied the information.

The respondent is absent nor is represented as well as not complied the order of the Commission to supply the information. There is a clear violation of the RTI Act. The Commission has taken a serious view of this and hereby directs the PIO to **show cause why penalty be not imposed on him under section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time. He/she should file an affidavit in this regard.** If there are other persons responsible for the delay in providing the information, the PIO is directed to inform such person(s) of the show cause and direct them to appear before the Commission along with the written replies.

The case is adjourned. To come up for further hearing on **10.01.2023** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Amritsar. The PIO is to appear at Chandigarh.

Chandigarh
Dated: 14.09.2022

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh. Vikarm Vaid,
H No-1527, Gali No-2,
Bagh Rama Nand,
Amritsar.

... Appellant

Versus

Public Information Officer,
O/o Director of Local Govt, Pb
Sector-35-A, Chandigarh.

First Appellate Authority,
O/o Addl, Director,
Deptt of Local Govt, Pb
Sector-35-A, Chandigarh.

...Respondent

Appeal Case No. 1336 of 2020

PRESENT: Sh. Vikram Vaid as the Appellant
Smt. Tarsem Kaur, PIO O/o Local Govt., Shri Santokh Lal, Accountant
O/o Nagar Panchayat Mehatpur and Sh. Des Raj-EO-NC Adampur (earlier
EO-Nagar Panchayat Mehatpur) for the Respondent

ORDER:

The appellant, through an RTI application dated 05.11.2019, has sought information regarding details of funds allotted to Mehatpur Nagar Panchayat after 01.09.2006 in Nakodar – objective plan for which funds were allotted – bank details of Mehatpur Panchayat – internal audit report – AG Punjab audit report – deficiency found in the audit report and other information concerning the office of Director of Local Govt. Department, Pb Chandigarh. The appellant was not provided with the information, after which the appellant filed the first appeal before the first appellate authority on 22.12.2019, which did not decide on the appeal.

The case came up for hearing first on 07.10.2020. Sh. Santokh Lal Account was present on behalf of Nagar Panchayat Mehatpur who pleaded that the information has been sent to the appellant vide letter dated 03.10.2020 and a copy of the same submitted to the Commission. The appellant claimed that he has not received the information.

Since as per the respondent, the information was sent on 03.10.2020, the appellant was directed to point out the discrepancies to the PIO once the information is received and the PIO was directed to remove the same.

On the date of hearing on **09.03.2021**, due to the non-functioning of VA at DAC Amritsar, the appellant could not be heard.

The Commission received an email from the appellant in which the appellant has pointed out deficiencies, which was taken on the file of the Commission. The respondent had brought the information and claimed that all deficiencies have been redressed.

A copy of the additional information was sent to the appellant along with the order.

On the date of hearing on **18.05.2021**, the appellant claimed that the PIO has not sorted out the discrepancies relating to point-4 since the audit reports for the year 2012 to 2015 was unattested, the audit reports for the years 2015-16 was not legible and audit report for the year 2018 had not been received.

Appeal Case No. 1336 of 2020

The respondent was absent. The PIO was directed to sort out the discrepancies and provide attested legible copies of the information. The PIO was also directed to provide the remaining information relating to point-4 and be present at the next date of hearing.

On the date of the hearing on **31.08.2021**, the appellant claimed that despite orders of the Commission, the PIO has not supplied the complete information.

The respondent was absent on 2nd consecutive hearing nor had complied with the order of the Commission. A **show cause notice was issued to the PIO and directed to file a reply on an affidavit**. The PIO was again directed to sort out the discrepancies and provide complete information to the appellant within 10 days of the receipt of the order.

On the date of the hearing on **29.03.2022**, the respondent present from the office of Nagar Panchayat Mehatpur pleaded that available information has already been provided to the appellant on 08.03.2021. As per the appellant, the information was not supplied to him by the PIO.

The PIO was absent nor had filed a reply to the show cause notice as well not complied the order of the Commission to provide complete information.

Since the responsibility to ensure the timely transmission of the information to the appellant lies on the PIO and as per respondent, Sh.Des Raj was the EO-cum-PIO, Nagar Panchayat Mehatpur when the RTI application was filed till 17.10.2021 (now transferred and posted as EO-NC, Adampur), Sh.Des Raj, EO-NC Adampur (earlier PIO-Nagar Panchayat Mehatpur) was held guilty of not providing the information on time as prescribed under section 7, and a penalty of **Rs.10,000/-** was imposed on him with the direction to deposit the same in the Govt. Treasury and produce a copy of the challan as evidence of depositing the penalty in the Govt Treasury.

The PIO- Nagar Panchayat Mehatpur was also directed to pay an amount of **Rs.2500/-** via demand draft through Govt. Treasury as compensation to the appellant for the loss and detriment suffered by him of having to file the appeals and not getting information in time and submit proof of having compensated the appellant.

On the date of last hearing on **09.05.2022**, Sh.Des Raj-EO-NC Adampur (earlier EO-Nagar Panchayat Mehatpur) and Sh.Santosh Lal, Accountant were present at Chandigarh and informed that the discrepancies as pointed out by the appellant relating to point-4 have been sorted out and complete information has been supplied to the appellant.

Regarding penalty, Sh.Des Raj has filed a reply which was taken on record. In the reply, Sh. Desraj pleaded for review of the imposed penalty on the following grounds –

That the RTI application had been filed with Director Local Govt. Punjab Chandigarh and no RTI application, First appeal or notice of the Commission was received in their office.

That what they received was only a letter (dated 25.08.2020) from the Local Govt. Pb Chandigarh on 10.09.2020 alongwith the RTI application of the appellant. The information was sent to the appellant immediately vide letter dated 01.10.2020 through registered post.

That they attended the hearing of the Commission on 07.10.2020 and the discrepancies which were pointed out by the appellant were also sorted out vide letter dated 08.03.2021 including information relating to point-4. Further, no letter/order of the Commission for an appearance on 18.05.2021 and 31.08.2021 was received in the Nagar Panchayat Mehatpur and hence nobody could appear on the given dates.

Sh.Des Raj-EO-NC Adampur(earlier PIO Mehatpur) pleaded that before his transfer from Mehatpur to Adampur, complete information was provided to the appellant and there no delay had occurred on his part thus the decision to impose the penalty be reviewed.

The PIO-Nagar Panchayat also filed a reply on the same line and requested for review of the decision of granting compensation amount.

The PIO-Director of Local Govt. Pb, Chandigarh was directed to appear personally on the next date of hearing alongwith explanation on the statement of Sh.Des Raj, EO-NC Adampur(earlier PIO Mehatpur) and EO-Nagar Panchayat Mehatpur. A copy of the reply of both the PIOs was sent to the PIO-Director Local Govt. Pb Chandigarh for reference.

Hearing dated 14.09.2022:

The case has come up for hearing today through video conferencing at DAC Amritsar. As per respondents present at Chandigarh, the complete information has been provided to the appellant and no further information is available in the record. As per appellant, the information is incomplete.

Hearing both the parties, the respondent is directed to provide an affidavit that the information that has been provided is true and complete and no more information relating to this RTI application exists.

With the above, information part is finished and no more discussion will be done on this aspect.

The PIO-O/o Local Govt has sent a reply dated 08.09.2022 on the statement of Sh.Des Raj EO-NC Adampur (earlier PIO Mehatpur) and EO-Nagar Panchayat Mehatpur which has been taken on record.

From the reply of the PIO-Local Govt. and during the course of the hearing, a new fact has emerged. The RTI application has come into operation only after the notice of the Commission. As per Sh.Des Raj, the said RTI application was never received and was only transferred after it was attached alongwith the notice of the Commission after the appellant filed an appeal for not getting the information on his RTI application. As per the appellant, the appellant has the record of receipt of his RTI application by the department of Local Govt.

To enquire further into matter, I am directing Director Local Govt. to inform whether this RTI application was received or not and file a complete status report on an affidavit at the next date of hearing.

To come up for further hearing on **01.11.2022 at 11.00 AM** through a video conference facility available in the office of Deputy Commissioner, Amritsar. The PIO is to appear at Chandigarh.

Chandigarh
Dated: 14.09.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

- CC to: 1. Sh.Des Raj, EO-Nagar Council,**
Adampur, District Jalandhar
- 2. EO-cum-PIO-Nagar Panchayat,**
Mehatpur, District Jalandhar.