

PUNJAB STATE INFORMATION COMMISSION

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

Ph: 0172-2864101, Fax 0172-2864110 Helpline 0172-2864100
Email: pcic20@punjabmail.gov.in Visit us: www.infocommpunjab.com
Whatsapp No. 62848-20189 Cisco Webex: 158 708 3455



Sh. Arun Garg s/o Sh. Sham Lal,
H.No. 40-41, Central Town,
Pakhawal Road,
Vill Bad, PO Lalton Kalan
District Ludhiana 7888459837 9517578970

....Appellant

Vs

Public Information Officer
o/o Deputy Commissioner,
District Ludhiana

First Appellate Authority
o/o Deputy Commissioner,
District Ludhiana

....Respondents

Appeal Case No. 1959 of 2021
(Video Conference Proceedings)

Present:- None on behalf of the appellant.
Sh. Manjinder Singh, Sr. Asstt 9888466876 on behalf of the respondents.

ORDER

The RTI application is dated 13.10.2020 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 16.11.2020 and second appeal was filed in the Commission on 22.4.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act).

2. The appellant has sought the following information:-

- (a) Subject matter of information : Letter written by the applicant.
- (b) Period relating to information : 2018-2019-2020.
- (c) Details of required information : Provide point-wise specific information in English regarding letter written and sent on Sun, Dec 2, 2018 at 10:09 PM by email from <arungarg.in@gmail.com> to <dc.ldh@punjab.gov.in> and <dc.ldh@punjabmail.gov.in> regarding issue/return of amount spent on hospital and medicine (copy attached overleaf):-
 - (01) Attested copies of the complaint with all documents and records pertaining to the receipt, entry, action taken including all statements, inquiry-other reports, office order-correspondence-file noting etc. along with present status of the complaint.
 - (02) Names with designations/particulars of all officials who took action/to whom marked or whose signature appear on any document/record pertaining to the said complaint.
 - (03) Names of all Deputy Commissioners Ludhiana with period of posting at this office from 01.01.2018 till date.
 - (04) Concerned law-rule-policy providing attested copy of the same pertaining to the action taken/to be taken on the complaint.
 - (05) Concerned law providing attested copy thereof, in case the information is denied on any ground or any record is claimed not maintained or not available.
 - (06) Names & designations with full official address, mobile, e-mail of PIO/APIO & FAA along with attested copy of concerned office order/notification/other document.
 - (07) Availability of complete/any part of sought information on internet through official web-site and its access to public along with addresses of concerned web-pages.

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3. Accordingly, notice of hearing was issued to the parties for 15.7.2021 and the following order has been passed:-

“2. The respondent authority has sent the submission in this case vide which it has mentioned that the appellant & subject matter of the information is the same as in Appeal Case No. 1313 of 2019 which is pending adjudication in the Commission.

3. Accordingly, the present case of the appellant is clubbed along with the Appeal Case No. 1313 of 2019 which is listed for hearing on 24.8.2021 at 1.15 P.M. at Chandigarh before the full bench comprising the undersigned, Lt. Gen. Ajai Kumar Sharma (Retd.) and Sh. Maninder Singh Patti, Lt. State Information Commissioners as the appellant, subject matter of the sought information and the respondent authority are the same.”

And the case was further adjourned for 24.8.2021.

4. During the hearing on 24.8.2021, the following order was passed:-

“2. The appellant states that he has sought the status and action taken on his letter sent through email dated 2.12.2018 of the respondent through his RTI application dated 13.10.2020. The appellant further states that the RTI application was sent back by the respondent vide letter no.1976 dated 4.11.2020) contending that the said letter/email has not been received in the office. The appellant further states that the letter/email was written to ACS Home and the respondent authority but the ACS Home has received the same and replied too but the respondent authority is stating that the same has not been received. The appellant has also sent an email to the Commission on 23.8.2021 along with the orders of Central Information Commissioner Prof. M. Sridhar Acharyulu (Madabhushi Sridhar) dated 29.8.2021 (Sh Om Parkash vs Land and Building Deptt, GNCTD) and dated 20.4.2017 (Balender Kumar vs M/O labour and Employment) on the “Case of missing file”. The email is taken on the record. He has also requested to pass an order for enquiry for the loss of his application dated 2.12.2018 sent to the respondent through email and also requested to impose penalty upon the respondent PIO.

3. However, the representative of the respondent states that the report of receipt/non receipt of an email was taken from the Record/Issue Branch and they have responded that no such email has been received and thereafter the RTI application was sent back to the appellant in original with the request to re-send the copy of letter/email so that appropriate action may be taken on the same. The written response in this regard has already placed on file.

4. After hearing the submissions made by both the parties and going through the case file, it is surprised to note the submission of the respondent authority that he has not received the letter/email whereas the said email has been received by

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another authority i.e. ACS Home and replied too. Also an email of the respondent authority has been verified and the email was correctly sent by the appellant at dc.ldh@punjab.gov.in/dc.ldh@punjabmail.gov.in. Although, the bench is of the considered view that the respondent authority has already made an effort to search the email /letter of the appellant on the one hand and requested the appellant to provide the copy of the same to take appropriate action in the matter on the other, which shows that the respondent has never had any malafide intention as not to provide the information. But it is also a fact on record that the appellant has filed another case bearing No. appeal case no. 1313 of 2019 in which the email of the appellant was also misplaced and due to this lapse, a show cause notice was also issued to Shri Prabjit Singh, Senior Assistant by the respondent authority and he had filed the reply regarding show cause notice issued to him. But no such action taken has been submitted by the respondent in this case which needs to be looked into, as the missing letter/email is considered to be a serious matter. Therefore, the copy of the case file is being **sent** to the Deputy Commissioner, Ludhiana with the directions to examine the issue and take appropriate action in the matter.

5. Keeping in view of the above, the respondent Public Information Officer is hereby, directed to file an affidavit duly sworn in this case before the next date of hearing.

6. Both the parties are directed to remain present on the next date of hearing.”
i.e. 24.9.2021.

5. On the said date i.e. 24.9.2021, the appellant sent the written submission that he is unable to attend the hearing and the respondents also requested for the adjournment of the case to file an affidavit. Accordingly, the case was further adjourned for 18.10.2021.

6. On 18.10.2021, the case could not be heard due to strike by the officials of the respondent authority and the relevant portion of the same is reproduced below:-

“3. Therefore, the case is adjourned with the directions to the respondent-Public Information Officer to file an affidavit in this case in accordance with the order dated 24.8.2021 and as per the assurance given by the representative of the respondents during the hearing on 24.9.2021 failing which the penalty provisions will be invoked on the next date of hearing. “

And the case was further adjourned for 29.10.2021 but due to strike by the officials of the respondent authority, the case was further adjourned for today i.e. 14.12.2021.”

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7. The appellant is absent without intimation. However, the representative of the respondents states that a copy of an affidavit duly sworn has already been sent to the Commission through email along with the action taken on the enquiry conducted by the Deputy Commissioner, District Ludhiana against Sh. Prabjit Singh, which is taken on record. He also states that an original affidavit is also being sent to the Commission through registered post. He further requested to dispose of the case. The appellant is absent without intimation. However, on receipt of the original affidavit, the Registry will send the same to the appellant by registered post. Also a photo copy of the same is being **sent** to the appellant along with this order.

8. Keeping in view the above, the Commission observes that no further action is required to be taken in this case. Hence, the case is disposed of and closed.

Sd
(Maninder Singh Patti)
State Information Commissioner
Punjab

sd
(Lt.Gen. Ajea Kumar Sharma (Retd.))
State Information Commissioner
Punjab

sd
(Suresh Arora)
Chief Information Commissioner
Punjab

Dated: 14.12.2021

CC PS/SIC(AKS) & PS/SIC(MSP)

Deputy Registrar, PSIC