

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,

Sector 16, Chandigarh.

Ph: 0172-2864101, Fax 0172 2864110 Helpline 01722864100

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Sh. Darshan Singh s/o Sh. Jagtar Singh,
r/o Village Jhugge Fangia,
Tehsil Jalalabad West
District Fazilka.

..Complainant

Vs

Public Information Officer
o/o Block Development and Panchayats Officer,
Block Jalalabad,
District fazilka.

Public Information Officer
o/o Addl. Deputy Commissioner (Dev.)
Mini Secretariat,
Fazilka.

....Respondent

Complaint Case No. 427 of 2020
(Cisco Webex proceedings/on phone)

Present:- Sh. Drshan Singh, complainant on phone
Sh. Karan Kataria, APO 8427783000 on behalf of the respondent.

ORDER

This order may be read with reference to the previous order dated 31.8.2020 vide which the respondent Public Information Officer was directed to provide the complete information pertaining to Point No. 1,2,4 & 5 of the RTI application.

2. The appellant states that no information has been provided by the respondents so far. However, the representative of the respondents states that the information concerning Point No. 4 & 5 of the RTI application will be provided to the complainant within 2-3 days. With regard to information pertaining to Point no. 1 & 2 of the RTI application is concerned he states that the custodian of the record is Sh. Paramjit, GRS and a letter has been written to the Addl. Deputy Commissioner (Dev.), Fazilka bearing No. 4019 dated 10.9.2020, which is taken on record, to provide the record so that the same could be supplied to the complainant.

3. After hearing both the parties, the Public Information Officer o/o the Block Development and Panchayats Officer is directed to provide the information concerning Point No. 4 & 5 of the RTI application failing which the penalty provisions will be invoked on the next date of hearing. With regarding to the information pertaining to Point No. 1 & 2, the **Public Information Officer o/o the Addl. Deputy Commissioner (Dev.) is impleaded as necessary party in this case to file his reply/supply the information before the next date of hearing.**

4. 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, Fazilka/Cisco Webex.

Sd/

(Suresh Arora)

Dated:15.9.2020

Chief Information Commissioner,
Punjab.

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Sh. Nachatar Singh S/o Sh. Hamir Singh,

R/o Village –KuthaKheri,

Tehsil –Rajpura, (99886-54758)

District- Patiala.

.....Appellant

Vs

Shri Jai Bhagwan, Panchayat Secretary

o/o Block Development & Panchayat Officer,

Block – Shambu Kalan, Tehsil Rajpura,

District- Patiala.

(Regd.)

First Appellate Authority,

O/o District Development & Panchayat Officer,

Mini Secretariat, Patiala.

Block Development & Panchayat Officer (by name)

Block – Shambu Kalan, Tehsil Rajpura,

District- Patiala.

(Regd.)

..... Respondents

Appeal Case No. 243 of 2020

(Cisco Webex proceedings/on phone)

Present:- Sh. Nachatar Singh, appellant.

Sh. Jai Bhagwan, Panchayat Secretary, on phone, on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 18.8.2020.

2. The respondent-Public Information Officer states that the information comprising 31 pages have been supplied to the appellant concerning Point No. 4 & 6 and the appellant states that he has received the information but the case may be adjourned so that he can go through and point out deficiency, if any.

3. According to the request of the appellant, the case is adjourned with the advice to the appellant to go through the same and revert back to the respondent-Public Information Officer in case of any deficiency within 5 days and the respondent-Public Information Officer is directed to remove the same before the next date of hearing.

4. Nothing has been received from the office of the Block Development and Panchayats Officer regarding recovery of penalty amount of Rs.5000/- (Rupees five thousand only) that was ordered by the Commission on 7.7.2020. The order dated 7.7.2020 was sent to the Block Development and Panchayats Officer through registered post. **Therefore, the Block Development and Panchayats Officer, Block Shambu Kalan is impleaded as necessary party in this case to file the status along with the copy of challan regarding recovery of penalty amount from the salary of Sh. Jai Bhagwan, Panchayat Secretary failing which the relevant provisions will be invoked on the next date of hearing.**

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, Patiala/Cisco Webex.

Sd/

(Suresh Arora)

Dated:15.9.2020

Chief Information Commissioner,
Punjab.

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Sh. Ajaypal Singh S/o Sh. Iqbal Singh,
VPO –Gumtala, Opp. Govt. Dispensary,
Ward No. 5, (98721-39640)
Amritsar.

.....Appellant

Vs

Public Information Officer,
O/o Block Development & Panchayat Officer,
Block Khadoor Sahib,
District- Tarn Taran.

First Appellate Authority,
O/o Deputy Commissioner,
Administration Complex,
Tarn Taran.

..... Respondents

Appeal Case No. 412 of 2020

Present:- Smt. Kamaldeep Kaur w/o Sh. Ajaypal Singh on behalf of the appellant.
Sh. Jagdeep Singh, Block Development and Panchayats Officer on behalf of
the respondents.

ORDER

This order may be read with reference to the previous order dated 19.8.2020 vide which Shri Gurminder Singh was given an opportunity to file his reply and the decision regarding show cause notice issued to Sh. Gurmeet Singh, Public Information Officer-cum-Block Development and Panchayats Officer was kept pending. Also the appellant was advised to go through the information so supplied by the respondents and point out deficiencies, if any. The cause was adjourned to 15.9.2020.

2. A copy of the deficiencies so pointed out by the appellant has been received in the Commission, copy of which is taken on record. She request the Commission to direct the respondents to remove the same. However, the representative of the respondents Sh. Jagdeep Singh, Public Information Officer-cum-Block Development and Panchayats Officer states that he has recently joined and is not well aware of the facts of the case and requested for the adjournment of the case.

3. Shri Gurminder Singh, Panchayat Secretary-cum-PIO (9872950168) is absent today without intimation. Neither he has filed the reply in respect of show cause notice issued to him nor he is present even though the fact that one last opportunity was granted to him to file his reply.

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 21.7.2020 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.

Contd..P/2

Regd

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Appeal Case No. 412 of 2020

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4. Since the responsibility to ensure timely transmission of the information to the appellant lies on the PIO, Shri Gurminder 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 Gurminder Singh, Panchayat Secretary o/o BDPO-cum-PIO 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. Gurminder 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-PIO failed to comply with the orders of the Commission. Accordingly, a penalty of Rs. 5000/- (Rupees Five thousand only) is imposed on him.

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Appeal Case No. 412 of 2020

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9. The amount of penalty i.e. Rs. 5000/- (Rupees Five thousand only) should be deducted from his salary in two instalments 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, Taran Taran 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 October, 2020 and deposited in the Treasury under the relevant head and a compliance report be sent to the Commission accordingly.

10. 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.

11. Shri Gurminder Singh, Panchayat Secretary o/o Block Development and Panchayats Officer is 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. The Public Information Officer is directed to duly inform the Commission of the compliance of the order and submit proof of having compensated the appellant. The Block Development and Panchayats Officer, Taran Taran will ensure that the appellant has been compensated before the next date of hearing.

12. The present Block Development and Panchayats Officer Sh. Jagdeep Singh is directed to intimate the appellant after taking appropriate action as per the above and remove the deficiencies so pointed out by the appellant with regard to the RTI application with a copy to the Commission before the next date of hearing. Copy of the deficiencies so pointed out by the appellant is sent with this order.

13. 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, Taran Taran/Cisco Webex.

Dated:15.9.2020

Sd/
(Suresh Arora)
Chief Information Commissioner,
Punjab.

Encl: a/a

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Sh. Jasveer Singh 9781599959

r/o Village Megha Panj Garai Hithar,

Block and Tehsil Guru Harshai,

Distt.Ferozepur.

..Appellant

Vs

Public Information Officer,

Block Development and Panchayat Officer,

Block Guru Harsahai, Distt. Ferozepur.

First Appellate Authority,

District Development and Panchayat Officer,

Mini Secretariat,

Distt.Ferozepur.

..Respondents

Appeal Case No. 1111 of 2020

Present:- Sh. Jasveer Singh, appellant on phone.

Sh. Sushil Kumar, Superintendent on behalf of the respondents on phone.

ORDER

This order may be read with reference to the previous order dated 19.8.2020.

2. The appellant states that the information related to the Manrega has been received but no information has been supplied by the respondents related to the Panchayat i.e. Point No. 1,2,3,4 and 11 of the RTI application. Copy of the submissions in this regard has also been sent by the appellant, which are taken on record. Whereas, the representative of the respondents states that the complete information has already been supplied to the appellant in various cases i.e. appeal Case No. 671 of 2019, 9 of 2020, 573 of 2020, 574 of 2020. He also states that the appellant is seeking the same information by filing the fresh applications. Copy of the letter sent to the Commission by the respondent-Public Information Officer bearing No. 6796 dated 14.9.2020 in this regard is taken on record.

3. After hearing both the parties, the case is adjourned to 19.10.2020 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Ferozepur.

Dated:15.9.2020

Sd/

(Suresh Arora)

Chief Information Commissioner,
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Sh. Baldev Singh s/o Hardit Singh

Village Laduka

District Fazilka 152123 Mobile 8437795286

....Appellant

Vs

Public Information Officer,

O/o APO MGREGA

c/o Block Development and Panchayats Officer

Block Jalalabad,

District Fazilka.

First Appellate Authority

Block Development and Panchayats Officer

Block Jalalabad,

District Fazilka.

Public Information Officer

Registered

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

Mini Secretariat,

Fazilka.

....Respondents

Appeal Case No. 1155 of 2020

(Cisco Webex proceedings)

Present:- Sh. Baldev Singh, appellant

Sh. Karan Kataria, APO 8427783000 on behalf of the respondent.

ORDER

This order may be read with reference to the previous order dated 31.8.2020 vide which the respondent Public Information Officer was directed to provide the complete information pertaining to the appellant and the case was adjourned today i.e. 15.9.2020.

2. The appellant states that no information has been provided by the respondents so far. However, the representative of the respondents states that the record has not been handed over by the concerned Sh. Dailp Kumar, TA, Sh. Karamjit Singh TA, Sh. Pawan Kumar, GRS, Sh. Jatinder Kumar, GRS and Sh. Sunny Kumar, GRS and they were directed to appear before the Block Development and Panchayats Officer and Sh. Pawan Kumar, GRS and Sh. Sunny Kumar, GRS remained present. During the hearing Sh. Sunny Kumar, GRS agreed to hand over the complete record but till date no record has been handed over by him. He further states that a letter bearing No. 4026 dated 10.9.2020 has been written to the Addl. Deputy Commissioner (Dev.) to direct the official to hand over the complete record so that the information could be supplied.

3. 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.

4. Shri Karan Kataria, APO MGNREGA is 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. The Public Information Officer is directed to duly inform the Commission of the compliance of the order and submit proof of having compensated the appellant.

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Appeal Case No. 1155 of 2020

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5. After hearing both the parties, the Public Information Officer o/o the Addl. Deputy Commissioner (Dev.) is impleaded as necessary party in this case to file his reply/supply the information before the next date of hearing. **A copy of the RTI application of the appellant is attached with this order.**

6. To come up on 19.10.2020 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Fazilka/Cisco Webex.

Dated:15.9.2020

Sd/

(Suresh Arora)

Chief Information Commissioner,
Punjab.