



Sh. Ankit Jain,  
S/o Shri Yashpal Jain,  
# 1006, Morni Wala khuh,  
Dera Bassi, Distt. Mohali.

Appellant

Versus

Public Information Officer,  
O/o Nagar Council, Dera Bassi,  
Distt. Mohali.

First Appellate Authority,  
O/o Deputy Commissioner,  
SAS Nagar (Mohali).

Respondents

**Appeal Case No.3400/2018**

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal
03.11.2017	Nil	19.07.2018	Nil	30.08.2018

**Present:** Sh. Ankit Jain, Appellant in peson.  
Sh. Jaswant Singh, JE, NC Office, Dera Bassi – for Respondents.

**ORDER**

The following order was made by this forum on 29.01.2019:

*“Sh. Sarbjeet Singh, Building Inspector appearing on behalf of the respondents submits that the appelland has been provided with the information who is satisfied with the same.*

*The appelland is absent. He may like to comment on the submissions of the respondent.”*

The matter has come up today. The appelland admits having been received the information from Point No. 1 to 6. However, he expresses his dismay for having not received a response to Point No. 7 of his application. The respondent says that the reply to Point No. 7 can be found in the information supplied to him in the first six points. The Commission has seen his application. Point No. 7 does not relate to any material information. He is seeking information about a prospective action which is desirable to be taken in the event of an infringement on the part of the colonizer. The answer lies in the provisions of the relevant Act and Rules which the appelland should look for. The appelland has been sufficiently informed. The appeal is **disposed**.

16.04.2019

Sd/-  
( Yashvir Mahajan )  
State Information Commissioner



Sh. Ankit Jain,  
S/o Shri Yashpal Jain,  
# 1006, Morni Wala Khuh,  
Dera Bassi, Distt. Mohali.

Appellant

Versus

Public Information Officer,  
O/o Nagar Council, Dera Bassi,  
Mohali.

First Appellate Authority,  
O/o Deputy Commissioner,  
Patiala.

Respondents

**Appeal Case No.3476/2018**

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal
10.02.2016	Nil	29.05.2018	Nil	20.09.2018

**Present:** Sh. Ankit Jain, Appellant in person.  
Sh. Jaswant Singh, JE, NC, Dera Bassi – for Respondents.

**ORDER**

Sh. Jaswant Singh, JE appearing on behalf of the respondents has sought an adjournment. The Commission finds that it is quite an old case. It does not lie in the mouth of ear to seek adjournment when the original application was filed in February, 2016. Taking serious exception to the lackadaisical conduct of the respondents, the Commission issues a show cause notice to the PIO – cum – E.O., N.C, Dera Bassi 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



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**Appeal Case No.3476/2018**

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.

To come up on **04.06.2019 at 11.30 AM.**

16.04.2019

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



Sh. Jarnail Singh,  
S/o Shri Rakha Singh,  
Village Chuni Khurd,  
PO Chuni Kalan, Tehsil Bassi Pathana,  
Distt Fatehgarh Sahib.

Complainant

Versus

Public Information Officer,  
O/o Block Development and Panchayat Officer,  
Block Khera, Distt Fatehgarh Sahib.

Respondent

**Complaint Case No.1068/2018**

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Complaint
04.04.2018	Nil	Nil	Nil	01.10.2018

**Present:** Sh. Jarnail Singh, Complainant in person.  
None on behalf of the Respondent.

**ORDER**

The following order was made on 29.01.2019:

*"No written reply has been filed in response to the notice issued by the Commission.*

*None is present on behalf of the respondent as well. The Commission takes a serious note of it. The respondent is directed to file a written statement before the next date of hearing positively."*

*"The case has come up today. Both the parties are present. Sh. Harpreet Singh appearing on behalf of the respondent regrets the delay and says that he has been busy in the conduct of panchayat elections in the State. He assures the Commission that he shall provide the information before the next date of hearing.*

*The appellant has been advised to inspect the record and identify the documents. However, he insists that he requires complete record pertaining to five years. The respondent shall ensure its provision on payment of requisite fee before the next date of hearing positively."*

The case has come up again today. Despite the assurance given by Sh. Harpreet Singh, Panchayat Secretary no information has been provided to the appellant. The respondent is absent without notice. The Commission considers it as a defiance and non-compliance of the provisions of Section 7(1) of the RTI Act.



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**Complaint Case No.1068/2018**

Sh. Harpreet Singh, PIO – cum – Panchayat Secretary is, thus, 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 Complainant 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.

To come up on **04.06.2019 at 11.30 AM.**

16.04.2019

Sd/-  
( Yashvir Mahajan )  
State Information Commissioner



Sh. K.K Bhandari,  
R/o 3661/46-C, Chandigarh.

Appellant

Versus

Public Information Officer,  
O/o Secretary,  
Punjab School Education Board,  
Mohali.

First Appellate Authority,  
O/o Secretary,  
Punjab School Education Board,  
Mohali.

Respondents

**Appeal Case No.87 of 2019**

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
12.12.2018/08.12.2018	Nil	18.12.2018/16.12.2018	Nil	31.12.2018/30.12.2018

**Present:** **Sh. K.K.Bhandari, Appellant along with one Sh. Sudhir Bhatia.**  
**1. Mrs. Baljinder Kaur, APIO – cum – Assistant Secretary, Pb. School Education Board.**  
**2. Sh. Lakhi Ram, Superintendent, Certificate Br., Pb. Sc. Edu. Board – for Respondents.**

**ORDER**

The following order was made by this forum on 29.01.2019:

*“These cases have been transferred to this bench on the request of the appellant. Since the appellant and the respondents are the same and the information sought is identical and accrues from the same issue, the single order shall dispose both the appeals.*

*A communication has been received from the appellant that as he is arraigned in a criminal case. He needs this information to defend himself and clear his position in the Court. He further submits that as he is seriously ill it is not possible for him today to attend the hearing in person. He seeks an adjournment.*

*Mrs. Baljinder Kaur, APIO – cum – Assistant Secretary is present. She has submitted a detailed reply with reference to various points of his applications seeking information. Its perusal suggests that most of the record relating to information sought has been reportedly destroyed in keeping with the Record Retention Policy of the Board and the available record in respect of these cases has been given to him earlier. However, some of the information has been refused on the pretext of its relating to third parties. The Commission feels that he needs them to prove a point. The provision of correction slips in a couple of cases is not going to intrude into the privacy of the individual. The defence, as such on this score is overruled. They are directed to provide him the copies of correction slips of third parties as sought by him before the next date of hearing.”*

The case has come up today. The Appeal Case No. 87 of 2019 is being dealt with separately by this order as subject is slightly different from the one it has been clubbed with.



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**Appeal Case No.87 of 2019**

Mrs. Baljinder Kaur, APIO – cum – Assistant Secretary, PSEB submits that the system of internal audit is in operation ever since its inception during the year 1969. She further submits that audit is conducted with reference to the fees and other revenue of the Pb. School Education Board only and it has nothing to deal with the corrected/duplicate certificates.

As far as the rest of the requisition is concerned she says that the record relating to that part as has been mentioned in other connected application stands since destroyed in accord with the policy of the Board and no such record is available with them on the issue.

The Commission finds that the application has been addressed and the applicant has been sufficiently informed. No further intervention is required. The appeal is **disposed**.

**16.04.2019**

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



Sh. Saroop Singh,  
S/o Sh. Bachan Singh,  
R/o Village Choure, Block Sri Hargobindpur,  
Teh. Batala, Distt. Gurdaspur.

Complainant

Versus

Public Information Officer,  
O/o District Development and Panchayat Officer,  
Gurdaspur.

Respondent

**Complaint Case Nos.1032 and 1033 of 2018**

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Complaint
12.01.2018	Nil	Nil	Nil	26.09.2018

**Present:** Sh. Jagjit Singh brother of Sh. Saroop Singh, Appellant.  
Sh. Narinder Singh, Panchayat Secretary, BDPO Office, Sri Hargobindpur – for Respondent.

**ORDER**

The following order was passed by this forum on 24.01.2019:

*“Since the complainant, respondent are the same and the information sought for is almost identical, the single order shall dispose of both the complaints.*

*The complainant had sought information about the income having accrued and the expenditure incurred during the incumbency of the former sarpanch of village Chaura, Block Sri Hargobindpur, Tehsil Batala, District Gurdaspur from 2013 to 2018. Sh. Narinder Singh, Panchayat Secretary appearing on behalf of the respondent says that the information is quite voluminous. Nonetheless, it has partially been delivered on the complainant. He assures to provide the rest expeditiously. The complainant also seems in agreement with the contention of the respondent.”*

*“The case has come up today. The complainant says that despite having assured during the course of hearing on the previous date the respondent has refused to provide him the information.*





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**Complaint Case Nos.1032 and 1033 of 2018**

*The PIO is, thus, 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 Complainant 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 cases have again been taken up today. The incumbent Panchayat Secretary Sh. Narinder Singh submits that the original record continues to be retained by one Sh. Dalbir Singh his predecessor who has not passed it on his transfer. He has also shown us some communications issued by the BDPO, Sri Hargobindpur in this regard.

The Commission takes a very serious note of the conduct of the respondent. The show cause notice issued earlier is now directed at Sh. Dalbir Singh, PIO – cum – Panchayat Secretary, O/o BDPO, Dhariwal who shall explain his conduct for not parting with the record and show cause as to why the penalty proposed should not be imposed upon him for willful and malafide suppression of information. Both Sh. Narinder Singh and Sh. Dalbir Singh, Panchayat Secretaries are directed to file their written replies also before the next date of hearing.

The matter shall be reheard on **04.06.2019 at 11.30 AM.**

16.04.2019

Sd/-  
( Yashvir Mahajan )  
State Information Commissioner

**CC: The Block Dev. & Panchayat Officer, Dhariwal to ensure that this order is delivered on Sh. Dalbir Singh, Panchayat Secretary, for n/a.**



Sh. Jugraj Singh,  
S/o Sh. Sukhmandar Singh,  
R/o Makko Patti, Near Lapon Road,  
Village Daudhar Sharki,  
Distt. Moga. (142053)

Complainant

Versus

Public Information Officer,  
O/o Block Development and Panchayat Officer,  
Moga.

Respondent

**Complaint Case No.1035/2018**

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Complaint
23.08.2018	Nil	Nil	Nil	26.09.2018

**Present:** Sh. Jugraj Singh, Complainant in person,  
None on behalf of the Respondent.

**ORDER**

The following order was made by this forum on 24.01.2019:

*"The complainant had sought information about the detail of grants received by the gram panchayat of Village Daudhar Sharki, Block Moga – 1 and the details of expenditure incurred therewith.*

*The respondent is neither present nor any written reply has been filed by him. The Commission takes serious note of it. The PIO is directed to provide the information before the next date of hearing and explain the reasons for delay. Be it noted that no further opportunity shall be afforded and the penal provisions shall be invoked."*

*"The case has come up today. The respondent is absent on trot. No written reply has also been received from them. Apparently the respondent has rendered himself liable for punishment under Section 20(1) of the Act having failed to discharge his liability under Section 7(1) to provide the information during the mandated period.*

*The PIO respondent 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*



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**Complaint Case No.1035/2018**

*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 Complainant 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 matter has come up for hearing today. Sh. Sukhbir Singh, PIO – cum – Panchayat Secretary, BDPO Office, Moga – 1, was duly desired under Section 6(3) of the RTI Act by the BDPO, Moga -1 to provide the information. However, he has chosen to maintain a studied silence despite a couple of directions issued by the Commission as well as BDPO, Moga – 1. The Commission cannot keep it lying down. Such a misconduct and defiance on the part of the public servant if left unpunished can be infectious.

The original application was filed on 23.08.2018. The delay is substantial and beyond 100 days. The culpability of violation of Section 7(1) is established. Exercising its authority under Section 20(1) of the RTI Act imposes a penalty of Rs.15,000/- (Rupees Fifteen thousand only) in lump sum on Sh. Sukhbir Singh, PIO – cum – Panchayat Secretary, BDPO Office, Moga - 1 which shall be recovered from his salary in three equal installments commencing from the month of June, 2019.

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**Complaint Case No.1035/2018**

The Block Development & Panchayat Officer. Block Moga - 1 who is the Drawing & Disbursing Officer shall ensure that the amount of penalty is deducted from his salary and deposited in the government treasury under the head given below:

- 0070-Other Administrative Services
- 60 Other Services
- 800 Other Receipts
- 86 Fee under RTI Act, 2005

A copy of the challan shall be sent to the Commission for record immediately.

His appointing authority is directed to proceed against him for the grave indiscipline shown by him and issue him charge-sheet under intimation to the Commission. Meanwhile, the BDPO, Block Moga – 1 shall ensure that the record in question is arranged to be procured from him and provided to the complainant. He shall report compliance before the next date of hearing.

To come up on **18.06.2019 at 11.30 AM.**

16.04.2019

Sd/-  
( Yashvir Mahajan )  
State Information Commissioner

CC: The Block Dev. & Panchayat Officer, Block Moga – 1, for n/a.

CC: The District Development & Panchayat Officer, Moga, for n/a.

CC: The Director, Rural Dev. & Panchayats, Punjab, Vikas Bhawan, Sector – 62, SAS Nagar for n/a.



Sh. Fateh Singh,  
S/o Late Sh. Pritam Singh,  
Village-Bharatpur, P.O- Bhago Majara,  
Distt.-S.A.S Nagar.

Appellant

Versus

Public Information Officer,  
O/o Block Development and Panchayat Officer,  
Kharar, Distt. S.A.S Nagar.

First Appellate Authority,  
O/o Additional Deputy Commissioner,  
S.A.S Nagar.

Respondents

**Appeal Case No.3027/2018**

Date of RTI application: 29.06.2017  
Date of First Appeal : 20.04.2018  
Date of Order of FAA or Reply: Nil  
Date of 2<sup>nd</sup> Appeal/complaint: 05.09.2018

**Present:** **Sh. Fateh Singh, Appellant in person.**  
**Sh. Harmesh Singh, Panchayat Secretary, O/o BDPO, Kharar – for Respondents.**

**Order**

The following order was made on 24.01.2019:

*“The appellant had sought information about the erection of harijan dharamsala in the village and the information connected thereto.*

*Sh. Harmesh Singh, Panchayat Secretary appearing on behalf of the respondents says that the record is in the office of the District Development & Panchayat Officer, Mohali as he is enquiring into a complaint on the subject.*

*Be that as it is, the documents sought should be arranged to be provided to him before the next date of hearing positively. The District Development & Panchayat Officer, Mohali shall be considered as deemed PIO in case the record lies with him. He should ensure that the certified copies are provided to the appellant through the Block Development & Panchayat Officer, Kharar immediately.”*

*“Despite the express order of the Commission, the District Development & Panchayat*

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**Appeal Case No.3027/2018**

*Officer, Mohali has neither responded nor arranged to provide the information. Sh. Harmesh Singh, Panchayat Secretary appearing on behalf of the respondents reiterates his earlier position that the record is maintained by the DDPO, Mohali and he is not in a position to provide the information. Apparently, the DDPO, Mohali has rendered himself liable for penal consequences.*

*Accordingly, Sh. D.K.Saldi, District Development & Panchayat Officer, Mohali, 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, he 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 for hearing today. Sh. D.K.Saldi, DDPO, Mohali to whom the show cause notice was issued for having failed to provide the information is neither present nor any written explanation has been filed by him. Obviously, he has failed to explain the reason for withholding*

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**Appeal Case No.3027/2018**

*the information. The Commission as such shall be justified in penalizing him. However, another opportunity is afforded to him to clarify his position as to why the penalty proposed in the show cause notice already issued to him should not be imposed on him.*

*Meanwhile, Sh. Harmesh Singh, Panchayat Secretary who has appeared on behalf of the respondents today has brought along the information which has been handed over on spot to the appellant. The same has been supplied after harassing the appellant for more than one and a half year. The appellant may look into it and inform the Commission about its sufficiency.”*

The matter has again been taken up today. The appellant has pointed out that the information supplied to him is uncertified without any forwarding letter and it is only an apology for the same. It does not address to most of the points he has mentioned in his application specifically the disposal of the material which was laid waste after the re-erection of the harijan dharamsala. The District Development & Panchayat Officer seemingly is dismissive and nonchalant to the various directions of this Court.

The Commission is intrigued by his conduct who despite a couple of clear directions along with the show cause notice has shown scant attention to it. No reply or explanation has been filed by him. His proxy is un-informed and simply shows his ignorance about the facts of the case. Not a single reply or document has been filed by the respondents.

The original application was filed by the appellant on 29.06.2017. Even the first appeal filed by him did not elicit any response. Various directions of the Commission have also been stonewalled. The Commission thus finds the District Development and Panchayat Officer guilty of violation of



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**Appeal Case No.3027/2018**

Section 7 (1) of the RTI Act and renders himself liable for penal consequences.

The delay is substantial and beyond 100 days. His culpability of violation of Section 7(1) is established.

The Commission, therefore, exercising its authority under Section 20(1) of the RTI Act imposes a penalty of Rs.25,000/- (Rupees Twenty Five Thousand only) on Sh. D.K.Saldi, District Development & Panchayat Officer, Mohali which shall be recovered from his salary in two equal installments commencing from the month of June, 2019.

The Director of Rural Development and Panchayats, Punjab, SAS Nagar shall ensure that the amount of penalty is deducted from his salary and deposited in the government treasury under the head given below:

- 0070-Other Administrative Services
- 60 Other Services
- 800 Other Receipts
- 86 Fee under RTI Act, 2005

A copy of the challan shall be sent to the Commission for record immediately.

Sh. Fateh Singh, appellant had been made to run from pillar to post for simple information which as yet has not been given to him. He is accordingly awarded a compensation of Rs.5,000/- (Rupees Five Thousand only) under Section 19(8) (b) of the RTI Act for the detriment suffered by him. The public authority will compensate the appellant out of its own funds. The District Development & Panchayat Officer, SAS Nagar shall ensure that this amount is delivered to the appellant through a bank draft within one month of the receipt of this order.

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**Appeal Case No.3027/2018**

The Commission takes a very strong view of the misconduct of Sh. D.K.Saldi, DDPO, SAS Nagar. His disciplinary authority is desired to issue him charge-sheet and take appropriate disciplinary action under intimation to the Commission.

To come up for compliance on **02.07.2019 at 11.30 AM.**

16.04.2019

Sd/-  
( Yashvir Mahajan )  
State Information Commissioner

**CC: Sh. D.K.Saldi, District Development & Panchayat Officer, Mohali, for n/a.**

**CC: The Director, Rural Dev. & Panchayat, Punjab, Vikas Bhawan, Sector – 62, SAS Nagar, for n/a.**

**CC: The Financial Commissioner to Government, Punjab, Department of Rural Dev. & Panchayats, Vikas Bhawan, Sector – 62, SAS Nagar, for n/a.**



Sh. Fateh Singh,  
S/o Late Sh. Pritam Singh,  
Village-Bharatpur, P.O- Bhago Majara,  
Distt.-S.A.S Nagar.

Appellant

Versus

Public Information Officer,  
O/o Block Development and Panchayat Officer,  
Kharar, Distt. S.A.S Nagar.

First Appellate Authority,  
O/o Additional Deputy Commissioner,  
S.A.S Nagar.

Respondents

**Appeal Case No.3028/2018**

Date of RTI application: 29.06.2017  
Date of First Appeal : 20.04.2018  
Date of Order of FAA or Reply: Nil  
Date of 2<sup>nd</sup> Appeal/complaint: 05.09.2018

**Present:** **Sh. Fateh Singh, Appellant in person.**  
**Sh. Harmesh Singh, Panchayat Secretary, O/o BDPO, Kharar – for Respondents.**

**Order**

The following order was made by the Commission on 24.01.2019:

*“Sh. Harmesh Singh, Panchayat Secretary appearing on behalf of the respondents says that he has recently joined and is unaware of the issue. He should have done his home work properly. His excuse is not justified. Nonetheless, the Commission directs him to arrange to provide him the information under intimation to the Commission before the next date of hearing.”*

*“Sh. Harmesh Singh, Panchayat Secretary again states that the record of the entire village is with the District Development and Panchayat Officer, SAS Nagar. He is again advised to provide him the information expeditiously. Further laxity shall invite penal consequences.”*

*“The case has again been taken up for hearing today. Sh. Harmesh Singh, Panchayat Secretary appearing on behalf of the respondents has brought along the information which has been*

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**Appeal Case No.3028/2018**

*handed over on spot to the appellant. He may look into it and inform the Commission about its sufficiency on the next date of hearing."*

The case has come up today. The District Development and Panchayat Officer, SAS Nagar was directed to look into it who has seemingly given scant regard and attention to the directions of the Commission. The appellant says that the record asked for in this application has not been provided to him. The DDPO, SAS Nagar is once again directed to look into it and provide the record to the appellant before the next date of hearing positively.

To come up on **02.07.2019 at 11.30 AM.**

16.04.2019

Sd/-  
( Yashvir Mahajan )  
State Information Commissioner

CC: Sh. D.K.Saldi, District Development & Panchayat Officer, Mohali, for n/a.



Sh. Swaran Singh,  
Village Mehmood Khane Ke,  
P.O Amir Khas, Tehsil Jalalabad (West),  
Fazilka.

Appellant

Versus

Public Information Officer,  
O/o Block Development and Panchayat Officer,  
Block Guruharsahai, Distt. Ferozepur.

First Appellate Authority,  
O/o District Development and Panchayat Officer,  
Distt. Ferozepur.

Respondents

**Appeal Case Nos.2610 and 2641 of 2018**

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal
13.04.2018/10.08.2017	Nil	16.05.2018/20.09.2017	Nil	03.04.2018/02.08.2018

**Present: None.**

**Order**

The following order was passed by this forum on 24.01.2019:

*“Since the appellant and the respondents are similar, and the information sought for is almost identical, single order shall dispose of the above appeals.*

*Due to a technical glitch video conferencing could not mature. The appellant is present in the Court at Chandigarh.*

*The Commission finds that no written reply has been filed by the respondents. The appellant denies having received the information. The respondents are directed to provide him the information before the 30<sup>th</sup> of November, 2018 positively and explain in writing the reasons for having failed to do so in due time.”*

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**Appeal Case Nos.2610 and 2641 of 2018**

*“The case has come up today. Despite the Commission’s clear instructions the respondents are neither present nor any written statement has been filed. The Commission takes it as a blatant violation of the provision of the RTI Act and issues a show cause notice to the PIO – cum – BDPO, Block Guruharsahai, District Ferozepur 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.*

*Meanwhile he should ensure that the information sought for is provided to the appellant under intimation to the Commission. No further opportunity shall be afforded and the penal consequences shall follow.”*

*“The cases have again taken up today. Sh. Gurmeet Singh, Panchayat Secretary has come present on behalf of the Respondents. He explains that the record pertaining to reservation of seats for various members for the last thirty years is not available with them. As far as his requirement for the voters lists is concerned these are available in the office of the District Elections Officer, Fazilka on payment and he could obtain it accordingly. He has shown us a copy of reply sent*

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**Appeal Case Nos.2610 and 2641 of 2018**

to him. The Commission feels that no malafide can be attached in the instant case on the part of the respondents. However, as far as the requisition made by him in Appeal Case No.2641 of 2018 is concerned the respondent has brought along the record which has been handed over on spot to the appellant.

*From the perusal of the record it transpires that the original application was filed on 10.08.2017. Even his request to the First Appellate Authority did not fructify. Sh. Sarbjeet Singh Brar, Block Development and Panchayat Officer, Guru Harsahai was issued a show cause notice vide aforesaid order. However, he has chosen to maintain a studied silence on the delay. He has failed to file a convincing reply for the delay which is beyond a year. In the absence of his explanation the Commission feels it to be a willful suppression of information. A final opportunity is afforded to him to explain his conduct failing which the matter shall be disposed on the basis of the record on file."*

The cases have again been taken up today. A written explanation to the show cause notice has been received from the BDPO, Guru Harsahai. He has expressed regret for the delay in providing information and has assured the Commission to timely address the RTI applications. He explains that the appellant has not been available at his given address and hence the delay. The Commission giving the benefit of doubt to the respondent accepts his apology. The appeal is **disposed**.

16.04.2019

Sd/-  
( Yashvir Mahajan )  
State Information Commissioner



Sh. K.K Bhandari,  
R/o 3661/46-C, Chandigarh.

Appellant

Versus

Public Information Officer,  
O/o Secretary,  
Punjab School Education Board,  
Mohali.

First Appellate Authority,  
O/o Secretary,  
Punjab School Education Board,  
Mohali.

Respondents

**Appeal Case No.86 of 2019**

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
12.12.2018/08.12.2018	Nil	18.12.2018/16.12.2018	Nil	31.12.2018/30.12.2018

**Present:**

**Sh. K.K.Bhandari, Appellant along with one Sh. Sudhir Bhatia.**

- 1. Mrs. Baljinder Kaur, APIO – cum – Assistant Secretary, Pb. School Education Board.**
- 2. Sh. Lakhi Ram, Superintendent, Certificate Br., Pb. Sc. Edu. Board – for Respondents.**

**ORDER**

The following order was made by this forum on 29.01.2019:

*“These cases have been transferred to this bench on the request of the appellant. Since the appellant and the respondents are the same and the information sought is identical and accrues from the same issue, the single order shall dispose both the appeals.*

*A communication has been received from the appellant that as he is arraigned in a criminal case. He needs this information to defend himself and clear his position in the Court. He further submits that as he is seriously ill it is not possible for him today to attend the hearing in person. He seeks an adjournment.*

*Mrs. Baljinder Kaur, APIO – cum – Assistant Secretary is present. She has submitted a detailed reply with reference to various points of his applications seeking information. Its perusal suggests that most of the record relating to information sought has been reportedly destroyed in keeping with the Record Retention Policy of the Board and the available record in respect of these cases has been given to him earlier. However, some of the information has been refused on the pretext of its relating to third parties. The Commission feels that he needs them to prove a point. The provision of correction slips in a couple of cases is not going to intrude into the privacy of the individual. The defence, as such on this score is overruled. They are directed to provide him the copies of correction slips of third parties as sought by him before the next date of hearing.”*



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**Appeal Case No.86 of 2019**

The case has again come up for hearing today. Sh. Sudhir Bhatia, proxy for the appellant submits that the record earlier reported to have been sent, has not reached them. The respondents have shown a copy of the memo sent to them along with the relevant enclosures. The Commission feels that they are in order and in accord with the requisition. It arranges to have it delivered a duplicate copy of the same in the court itself.

The Commission does not feel any further requirement of intervention as far as this specific appeal is concerned.

**Disposed.**

16.04.2019

Sd/-  
( Yashvir Mahajan )  
State Information Commissioner