

PUNJAB STATE INFORMATION COMMISSION
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Sh Yashpal Kundal,
R/o Village Lohgarh Kothe,
P.O & Tehsil Dinanagar,
Distt Gurdaspur.

..... Appellant

Versus

Public Information Officer,
O/o District Food and Supply Controller,
Gurdaspur.

First Appellate Authority,
O/o Deputy Director,
Food Supply Field Jalandhar Division,
Jalandhar.

...Respondent

Appeal Case No. 2779 of 2021

PRESENT: None for the Appellant
Ms.Ritu Mahajan, AFSO for the Respondent

ORDER:

The appellant, through an RTI application dated 17.11.2020, has sought information regarding blue cards issued in village and city Dinanagar under FSO Smt.Ritu Mahajan from 01.04.2017 to 30.09.2020 and other information as enumerated in the RTI application concerning the office of District Food Civil Supply Controller, Gurdaspur. The appellant was not satisfied with the reply of the PIO dated 08.01.2021, after which the appellant filed a first appeal before the First Appellate Authority on 15.01.2021, which did not decide on the appeal.

The case first came up for hearing on 11.01.2022 through video conferencing at DAC Gurdaspur. The appellant claimed that the PIO had not supplied the information.

The respondent was absent.

Since the reply of the PIO dated 08.01.2021 was not in tandem with the sought information, the PIO was issued a **show cause notice under section 20 of the RTI Act 2005 and directed to file a reply on an affidavit.** The PIO was again directed to relook at the RTI application and provide information to the appellant within 15 days of receiving the order.

On the date of the last hearing on **30.05.2022**, due to the non-working of the VC at DAC Gurdaspur, the hearing could not take place.

The Commission received a letter dated 25.03.2022 through email from the PIO stating that in compliance with the order of the Commission, complete information has been supplied to the appellant vide letter dated 14.03.2022, and the appellant has acknowledged having received the information. The respondent also sent a copy of the appellant's acknowledgement, which was taken on record.

The PIO, however, did not file a reply to the show cause notice. The PIO was given one last opportunity to file a reply to the show cause notice; otherwise, it will be presumed that the PIO has nothing to say on the matter, and the Commission will proceed as per the provisions of section 20 of the RTI Act.

Hearing dated 16.06.2022:

The case has come up for hearing today through video conferencing at DAC Gurdaspur. The Commission has received a reply to the show cause notice from the PIO, which has been taken on record.

The Commission is not satisfied with the show-cause reply as there is no real evidence on the reasons for the delay in providing the information. As per the record, the RTI application was filed on 17.11.2020, whereas the information has been supplied to the appellant on 14.03.2022 with a delay of more than one year and two months. Moreover, the reply is from the AFSO and not from the PIO.

As per the respondent, the following were the PIOs from the date of filing of RTI application:

| Name of PIO | Period of stay | Present posting |
|--------------------------|--------------------------|------------------------|
| - Sh.Himanshu Kakkar | 26.03.2020 to 01.04.2021 | Hoshiarpur |
| - Sh.S.Devgan | 07.04.2021 to 16.09.2021 | Head Office Chandigarh |
| - Sh.Himanshu Kakkar | 17.09.2021 to 05.10.2021 | Hoshiarpur |
| - Sh.Sanjay Sharma | 06.10.2021 to 09.04.2022 | Head Office Chandigarh |
| - Sh.Sukhjinder Singh | 10.04.2022 to 06.06.2022 | Sri Mukatsar Sahib |
| - Sh.Gurpreet Singh Kang | 06.06.2022 till date | |

From the above, it is clear that Sh. Himanshu Kakkar was the PIO when the RTI application was filed (17.11.2020), and the violation of section 7 of the RTI Act took place during his term as the PIO. Sh.Himanshu Kakkar-PIO-cum-DFSC Hoshiarpur(earlier PIO-cum-DFSC Gurdaspur) is hereby directed to **show cause why a 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.

Further Sh.Sanjay Sharma was the PIO (from 06.10.2021 to 09.04.2022) when the show cause was issued on 11.01.2022, but has not filed reply to the show cause notice. Sh.Sanjay Sharma is given one last opportunity to file reply to the show cause notice otherwise it will be presumed that the PIO has nothing to say on the matter and the Commission will take penal action against the PIO under section 20 of the RTI Act.

To come up for further hearing on **03.10.2022 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Gurdaspur.

Chandigarh
Dated: 16.06.2022

Sd/-
(Khushwant Singh)
State Information Commission

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Sh Mohit Bansal, H No-189,
C/o Bansal Provision Store,
Village Adial, P.O Shapurkandi Township,
Tehsil Pathankot, Shahpur, Pathankot.

... Appellant

Versus

Public Information Officer,
O/o Director of Ayush,
Pb, Sector-11-D, Chandigarh.

First Appellate Authority,
Director Ayurveda –
Pb, Pb, Sector-11-D, Chandigarh.

...Respondent

Appeal Case No. 2743 of 2021

PRESENT: Sh.Mohit Bansal for the Appellant
Sh.Harpreet Singh, Suptd. and Sh.Gurpreet Singh, Clerk for the Respondent

ORDER:

The appellant, through an RTI application dated 14.01.2021 has sought information regarding manufacturer Divya Upchar Sansthan, Zirakpur – a copy of manufacture licence No. allotted – a copy of sample reports of Drug named as Divya kit sold/manufactured –a copy of approval granted by the state authority to sell the kit – a copy of the license to manufacture for the sale of ayurvedic – a copy of sample report of product and other information as enumerated in the RTI application concerning the office of Director of Ayush, Pb Chandigarh. The appellant was not provided with the information, after which the appellant filed a first appeal before the First Appellate Authority on 19.02.2021 which did not decide on the appeal. After filing the first appeal, the PIO sent a reply to the appellant on 16.03.2021, to which the appellant was not satisfied and filed 2nd appeal in the Commission.

The case first came up for hearing on 11.01.2022 through video conferencing at DAC Pathankot/ Chandigarh. The appellant claimed that the PIO had not supplied the information.

The respondent was absent. There has been an enormous delay of more than ten months in providing the information. The PIO was issued a **show cause notice under section 20 of the RTI Act 2005 for not properly handling the RTI application and secondly for not supplying the information within the statutorily prescribed period of time and directed to file reply on an affidavit.** The PIO was again directed to provide information to the appellant within 15 days of the receipt of the order.

On the date of the last hearing on **30.05.2022**, the appellant claimed that the PIO has not provided accurate information.

The respondent present informed that no approval/license had been granted to Divya Keet Products by the State Licensing Authority Punjab and the reply has been sent to the appellant vide letter dated 07.01.2022. The respondent further informed that he had since joined as PIO w.e.f. 08.03.2022 and Sh.Brahmjot Singh was the PIO when the RTI application was filed, and show cause was issued.

The Commission received a reply from the PIO on 29.03.2022 which was taken on record. In the said reply, it was mentioned that Sh.Brahmjot Singh, PIO-RTI Branch (Ayurvedic Department) has been relieved from this post on 08.03.2022 and Sh.Ravi Kumar has been posted as PIO in his place. Further, since the information relates to their Drug Branch, the information after collecting from them, has been sent to the appellant vide letter dated 07.01.2022.

The Commission was not satisfied with the reply of the PIO since the RTI application was filed on 14.01.2021 but the reply was sent on 07.01.2022 with a delay of more than one year.

Since the responsibility to ensure the timely transmission of the information to the appellant lies on the PIO, and as per respondent, Sh.Brahmjot Singh, GAD Nadiali (SAS Nagar) was the PIO when the RTI application was filed till 17.10.2021 and on the date of issue of show cause notice, Sh.Brahmjot Singh, GAD Nadiali (SAS Nagar), was held guilty for not providing the information on time as prescribed under section 7, a penalty of **Rs.10,000/-** was imposed on the Sh.Brahmjot Singh, GAD Nadiali (SAS Nagar), with the direction to submit a copy of the challan as evidence of depositing the penalty in the Govt Treasury.

The PIO- Director of Ayush Punjab, Chandigarh was also directed to pay an amount of **Rs.5000/-** via demand draft through Govt. Treasury as compensation to the appellant and submit proof of having compensated the appellant.

Hearing dated 16.06.2022:

The case has come up for hearing today through videoconferencing at DAC Pathankot. As per the appellant, the PIO has not paid the compensation amount.

As per the respondent, the earlier PIO has been relieved and Sh.Ravi Kumar has just joined as the new PIO.

Since the order has already been passed, Sh.Brahmjot Singh is given one more opportunity to comply with the Commission's order to deposit penalty amount in the Govt Treasury and submit a copy of the challan as a proof of having deposited the penalty. The present PIO is also directed to pay the compensation amount to the appellant and submit proof of having compensated the amount to the appellant.

To come up for further hearing on **03.10.2022** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Pathankot. The PIO is to appear at Chandigarh.

Chandigarh
Dated: 16.06.2022

Sd/-
(Khushwant Singh)
State Information Commission



Sh.Kamalpreet Singh
134, Basant City,
Tharika, P.O.Lalton Kalan,
Ludhiana.

.....Appellant

Versus

Public Information Officer,
O/o Civil Surgeon,
Patiala.

First Appellate Authority,
O/o Civil Surgeon
Patiala.

..... Respondents

Appeal Case No.443 of 2021

PRESENT: Sh.Kamalpreet Singh as the Appellant
Sh.;Malwinder Singh, Storekeeper for the Respondent

ORDER:

The appellant, through the RTI application dated 12.10.2020, has sought information regarding the exact name of Pathology, Microbiology, Histopathology or any other tests conducted by the laboratory of Health department Bathinda since 2010-11 in which chemicals namely potassium iodide, N-Hexane, carbon Tetra Chloride are used— a copy of current stock position on 12.10.2020 from 2010-11 of all chemicals and other information as enumerated in the RTI application from the office of Civil Surgeon Bathinda. The appellant was not provided with the information, after which the appellant filed the first appeal before the First Appellate Authority on 25.11.2020, which did not decide on the appeal.

The case first came up for hearing on 16.08.2021 through video conferencing at DAC Ludhiana/Patiala. The respondent was absent. As per a letter received from the PIO on 20.05.2021, the information had been supplied to the appellant vide letter dated 25.01.2021 and again on 10.05.2021.

The appellant was not satisfied with the supplied information.

The appellant was directed to point out the discrepancies to the PIO with a copy to the Commission and the PIO was directed to sort out the discrepancies and provide whatever information is available on record. The PIO was directed to appear at the next hearing.

On the date of the last hearing on **11.01.2022**, the respondent informed that the information had already been provided to the appellant.

The appellant was not satisfied and informed that in the reply/letter dated 25.01.2021 & 10.05.2021, relating to information on point-b, the respondent said that they neither received any such chemical nor they had used these chemicals in any kind of testing whereas, in one letter No.41 dated 07.01.2021, it was informed that Carbon Tetra – Chloride (1x2.5 Ltrs) is lying surplus in PHC Shatruana Patiala. The appellant also sent copies of these letters via email, which were taken on the file of the Commission.

Having gone through the RTI application and the discrepancies pointed out by the appellant, the PIO was given one last opportunity to reconcile and sort out the discrepancies as pointed out by the appellant.

On the date of the last hearing on **30.05.2022**, the Respondent present pleaded that the discrepancies as pointed out by the appellant have been sorted out, and the information has been provided to the appellant vide letter dated 17.05.2022 & again on 25.05.2022.

The Commission also received a copy of a letter dated 17.05.2022 from the PIO on 20.05.2022 and a copy of a letter dated 25.05.2022 through email, which was taken on record.

Due to some other urgent VC relating to the CM office in the DAC Ludhiana, the appellant could not be heard. However, the Commission received a copy of discrepancies from the appellant through email, which was taken on record. The PIO was directed to sort out the discrepancies as pointed out by the appellant, a copy of which was sent to the PIO alongwith the order.

Hearing dated 16.06.2022:

Sh.Malwinder Singh, Store-keeper from the office of Civil Surgeon, Patiala, is present and informed that the complete information has already been provided and no other information is available in the record.

The appellant stated that the information is incomplete and misleading as, on one side, the PIO is claiming that no stock of material which was purchased for Patiala District lies with them, but on the other, claiming that such material is not used in the District.

Hearing both the parties, the Commission finds that there is prima-facie evidence of the information not being disbursed accurately, and accordingly, makes the Civil Surgeon Patiala the deemed PIO under the powers vested under section 5 (5) of the RTI Act. The Civil Surgeon is directed to file an appropriate reply on the matter and also submit an affidavit that the information that has been provided is true, and complete and no other information is available in the record relating to this RTI application.

To come up for further hearing on **30.08.2022 at 11.00 AM** at Chandigarh.

Chandigarh
Dated: 16.06.2022

Sd/-
(Khushwant Singh)
State Information Commissioner