

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,

Sector 16, Chandigarh.

Ph: 0172-2864113, Helpline No. 0172-2864100

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Sh. Sahil Arora (9814420462)

Guru Nanak Nagar,
A-593, Partap Nagar, G.T. Road,
Amritsar 143001.

Appellant

Versus

Show-Cause

Public Information Officer (By Name)

(Regd. Post) O/o Regional Transport Authority,
Amritsar

Encl. RTI application

First Appellate Authority

O/o Regional Transport Authority,
Amritsar

Respondent

Appeal Case No.: 1447 of 2021
Heard through CISCO WEBEX

Present: (i) Sh. Sahil Arora, the appellant.
(ii) Nobody on behalf the respondent.

ORDER

1. This order may be read with the reference with previous order dated 17.11.2021 vide which respondent PIO was absent and one opportunity was awarded to him for compliance of previous orders of the Commission dated 10.08.2021 within ten days. Matter was adjourned for further hearing on 17.03.2022 i.e. today.
2. In today's hearing, appellant is present and states that status is same; nothing is supplied by the respondent PIO.
3. Respondent PIO is continuously absent second time without any intimation to the Commission. Copy of previous order dated 17.11.2021 was sent to him through registered post but he did not bother to comply, which shows his casual approach towards the Orders of the Commission.
4. The Bench observes that the RTI application is dated 02.12.2020 and First Appeal is dated 21.01.2021. Even after a lapse of fourteen months, no information has been provided to the appellant. The Bench is not satisfied with the department's attitude towards the notice and orders of the Commission. During the previous hearing dated 10.08.2021, respondent PIO was directed to provide the record for inspection on 20.08.2021 and supply the identified pages to the appellant.

It was also ordered that, in case record is not available, respondent PIO was directed to file a reply in shape of an affidavit, eight months have elapsed but there has been no progress in the case. The Bench further observes that PIO is adopting casual approach towards the directions of the Bench which was viewed adversely.

5. In view of the foregoing, **respondent PIO, O/o Regional Transport Authority, Amritsar** is directed to **show cause** in writing or through affidavit under Section 20(1) of the RTI Act, as to why penalty be not imposed upon him for 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 detriment suffered.

In addition to his submission, the PIO is also hereby 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 note that in case he does not file his submission and does not avail himself of the opportunity of personal hearing on the next 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.

6. Both the parties are also advised to represent this case in person or through their representative(s) on the next date of hearing positively, failing to which case will be decided on merit basis.
7. To come up on **30.03.2022 at 11:00 A.M. through CISCO-Webex** (Video Conferencing application). Copy of the order be sent to the parties.

(Steps to use CISCO WEBEX: Install CISCO Webex->Click on Join Meeting->Enter Meeting Number 1582933632).

Dated: 17.03.2022 (11:00 A.M.)

(Anumit Singh Sodhi)
State Information Commissioner
Punjab

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Smt. Sunehri Devi, (9988001180)

w/o late Sh. Chhajju Ram,
R/o Near Balmiki Mandir,
Samana 147101.

Appellant

Versus

Show-Cause

(Regd. Post) **Public Information Officer (By Name)**
O/o BDPO, Patran

Encl. RTI application

(Regd. Post) **First Appellate Authority (By Name)**
O/o DDPO, Patiala

Respondent

Appeal Case No.: 614 of 2021
Through CISCO WEBEX

Present: (i) Sh. Rokcy Tayal on behalf of the appellant.
(ii) Nobody on behalf of the respondent.

Order:

1. This order may be read with previous orders dated: 17.11.2021 vide which Sh. Rokcy Tayal on behalf of the appellant stated that he has received information and pointed out deficiency, in writing to the respondent PIO. He further states that the information is not attested by the authorized officer.
The Commission once again fixed the inspection by the appellant on 18.11.2021. The appellant was advised to visit office of respondent and the respondent was also directed to cooperate with the appellant and show him the requisite record and pointed out information be supplied to him after attestation from the competent authority. Matter was adjourned for further hearing on 17.03.2022 i.e. today.
2. In today's hearing, representative of the appellant, Sh. Rocky Tayal states that status is same as no deficiency has been removed and attested copies are still awaited.
3. Respondent PIO is absent without any intimation to the Commission despite being aware about the date of hearing. Today is the sixth hearing; earlier hearings were on 06.04.2021, 05.05.2021, 13.07.2021, 08.09.2021 and 17.11.2021. Respondent PIO was absent on 06.04.2021, 05.05.2021, 13.07.2021 and today itself.
4. The Bench observes that the RTI application is dated 21.09.2020 and First Appeal is dated 23.11.2020. Even after a lapse of eighteen months, incomplete, unattested information has been provided to the appellant. The Bench is not satisfied with the department's attitude towards the notice and orders of the Commission. It is also observed that since the previous hearing dated 17.11.2021, four months have elapsed but there has been no progress in the case. The Bench further observes that PIO is adopting casual approach towards the directions of the Bench which is viewed seriously.

Appeal Case No.: 614 of 2021
Through CISCO WEBEX

5. The **PIO O/o BDPO, Patran** is now issued **Show Cause** notice to explain as to why action should not be taken against him and also as to why penalty should not be imposed in the instant case for non-supply of information to the appellant and for not complying with the directions of Commission. He is also directed to file a written reply to the show cause notice as to why the appellant should not be compensated for the mental harassment suffered by her in getting the information.
6. In addition to the written reply, PIO is hereby given an opportunity u/s 20(1) proviso thereto for a personal hearing before the imposition of such a penalty, on the next date of hearing. He may take note that in case he does not file the written reply and does not avail himself of the opportunity of personal hearing on the next date fixed, it will be presumed that he has nothing to say and the Commission shall proceed to take further proceeding against him ex-parte.
7. The PIO is further directed to ensure that complete information is supplied to the appellant before the next hearing.
8. A copy of this order be sent to the DDPO, Patiala by name through registered post to look into the matter and for the compliance of order passed by the Commission.
9. With aforesaid directions, the matter is adjourned. To come up for hearing on **30.03.2022 at 11:00 A.M. through CISCO-Webex** (Video Conferencing application). Copy of the order be sent to the parties.

(Steps to use CISCO WEBEX: Install CISCO Webex->Click on Join Meeting->Enter Meeting Number 1582933632).

Dated: 17.03.2022 (11:00 A.M.)

(Anumit Singh Sodhi)
State Information Commissioner
Punjab

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Appellant

Sh. Jasbir Singh (9888296107)
Guru Nanak Nagar,
Vill. Bolapur, Jhabewal, PO Ramgarh
District Ludhiana 141123.

Versus

Public Information Officer
O/O State Transport Commissioner,
Sector 17, Chandigarh

First Appellate Authority
O/O State Transport Commissioner,
Sector 17, Chandigarh

Respondent

Appeal Case No.: 1545 of 2021
Through CISCO WEBEX

Present: (i) Sh. Jasbir Singh, the appellant
(ii) For the respondent: Sh. Gurbax Singh (APIO).

ORDER

1. This order may be read with the reference with previous order dated 14.09..2021 vide which respondent, Ms. Kulwinder Kaur stated that concerned file in connection with RTI application is not traceable and requested for an adjournment in this case. Request of the respondent was granted; and matter was adjourned for further hearing on 17.03.202.
2. In today's hearing, respondent, Sh. Gurbax Singh states that earlier information was supplied to the appellant in another Appeal Case no. 2262 of 2020 which was disposed of & closed.
3. On this appellant, Sh. Jasbir Singh states that appeal case No. 2262 of 2020 was disposed of, as matter was under process and till date no information has been supplied to him even after the directions of the Commission.
4. After hearing both the parties and examining both the case files (present case i.e. AC:1545 of 2021 and other case AC:2262 of 2020), it is observed that appeal case no. 2262 of 2020 was disposed of by the Bench of Ld. SIC, Lt. Ajae Kumar Sharma on 21.10.2020 with the version as under:

Shri Piara Singh, Assistant Transport Officer/PIO, O/o State Transport Commissioner, Punjab, Chandigarh, came in person. He produced a copy of letter dated 25.09.2020 vide which the appellant has been given reply to his RTI application. He stated that with regard to the news published in the newspapers, regarding which the appellant has sought information, necessary action is being taken and enquiry into the matter is still under process. As and when, final action is taken; the appellant will be supplied requisite information.

Appeal Case No.: 1545 of 2021
Through CISCO WEBEX

Since the appellant was absent, he was contacted on mobile phone. He was apprised of the version of the PIO with regard to the information sought by him. He agreed with the same and given his consent to close the case.

5. In the present appeal case appellant demanded the final decision on the pending matter as per department's reply vide letter dated 25.09.2020. Accordingly, respondent PIO is directed to supply the requisite information within ten days from today.
6. Both the parties are advised to represent this case in person or through their representative(s), who is well aware about the case on the next date of hearing positively, failing which appropriate orders will be passed in their absence.
7. With aforesaid directions, the matter is adjourned. To come up for hearing on **28.04.2022 at 11:00 A.M. through CISCO-Webex** (Video Conferencing application). Copy of the order be sent to the parties. Copy of the order be sent to the parties.

(Steps to use CISCO WEBEX: Install CISCO Webex->Click on Join Meeting->Enter Meeting Number 1582933632).

Dated: 17.03.2022 (11:00 A.M.)

(Anumit Singh Sodhi)
State Information Commissioner
Punjab