**PUNJAB STATE INFORMATION COMMISSION**

**Red Cross Building, Near Rose Garden**

**Sector:16, Chandigarh**

**Contact No.0172-2864116, Fax No.0172-2864125**

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Sh. Abhishek Garg,

S/o Sh. Narsi Dasa,

R/o Aggarwal Colony,

New Court Road, Mansa. Complainant

Versus

**Public Information Officer,**

O/o Chief Engineer/HRD (Recruitment),

Punjab State Power Corporation,

Patiala.

Respondent

 **Complaint Case No. 99 of 2018**

**PRESENT:** (i) None is present on behalf of the complainant.

(ii) Sh. Anant Goyal, Nodal Officer on behalf of the respondent.

**ORDER**

 This order may be read with reference to the previous order dated 22.03.2018.

2. A letter has been received from the complainant in the Commission vide diary no. 8932 dated 01.05.2018 mentioning therein that he has received the information and is satisfied.

3. The respondent has filed an affidavit today in the Commission in response to the orders dated 22.03.2018, which is taken on record. He further states that the information has already been supplied to the complainant.

4. After hearing the respondent and perusing the case file, it is ascertained that the information has been given to the complainant with which the complainant is satisfied and has sent his satisfaction.

5. In view of the above, no further cause of action is left in the instant Complaint Case, which is hereby, **disposed of and closed**. Copies of the order be sent to the parties.

 Sd/-

**Chandigarh (Prof. Viney Kapoor Mehra)**

 **17.05.2018 State Information Commissioner**

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Advocate Amandeep Singh,

# 26, HM, Phase-IV,

SAS Nagar, Mohali. .

Complainant

Versus

**Public Information Officer,**

O/o Director,

Rural Development & Panchayat Deptt.,

Vikas Bhawan, Sector:62, Mohali.

Respondent

 **Complaint Case No. 104 of 2018**

**PRESENT:** (i) None is present on behalf of the complainant.

(ii) Sh. Amin Singh, on behalf of the respondent.

**ORDER**

 This order may be read with reference to the pervious order dated 22.03.2018.

2. The complainant is absent for today’s hearing.

3. The respondent files reply today in the Commission mentioning therein that the information which has been sought by the complainant being third party but they have provided the same to the Complainant, the copy of the charge sheet. He further states that this information has been supplied to the complainant on 21.03.2018.

4. The perusal of the file shows that the RTI application of the complainant is dated 07.08.2017 and the Nodal Officer of the RTI Branch has transferred the same to the concerned branch vide letter dated 15.03.2018 and the information has been sent to the complainant on 21.03.2018.

5. In view of the above, the Nodal officer (RD-1 Branch) o/o DRDP, Mohali is directed to file an affidavit that on what basis the delay has been occurred in transferring the RTI application of the complainant to the concerned branch, on the next date of hearing and should personally appear, failing which action will be initiated against him as per the provisions of the RTI application he has transferred the RTI application

6. The matter to come up for further hearing now on **11.07.2018 at 11.30AM.** Copies of the order be sent to the parties.

**Chandigarh (Prof. Viney Kapoor Mehra)**

**17.05.2018 State Information Commissioner**

Cont…Pg2

**COMPLAINT CASE NO. 104 OF 2018**

 Advocate Amandeep Singh, Complainant appeared after the hearing was over at 01:45 PM. He was briefed about the proceedings of the case.

**Chandigarh (Prof. Viney Kapoor Mehra)**

**17.05.2018 State Information Commissioner**

**CC: (Regd. Post)**

 **Nodal Officer (RD-1 Branch),**

O/o Director Rural Development and Panchayat,

Vikas Bhawan,

Sector: 62, S.A.S. Nagar (Mohali).

 **PUNJAB STATE INFORMATION COMMISSION**

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Sh. Nath Ram Garg,

# 1740, Phase-3B2,

Sector:60, SAS Nagar,

Mohali. Appellant

Versus

**Public Information Officer,**

O/o Estate Officer,

GMADA, Mohali.

**First Appellate Authority**

o/o Estate Officer,

GMADA, Mohali.

Respondent

 **Appeal Case No. 337 of 2018**

**PRESENT:** (i) Sh. N. S. Garg, the appellant.

 (ii) None is present on behalf of the respondent.

**ORDER:**

 This order may be read with reference to the previous order dated 11.04.2018.

2. The appellant states that till today, no information has been supplied to him by the respondent.

3. Neither the PIO is present for today’s hearing nor has filed an affidavit in response to the order showing case, which shows that he has no regard to the orders of the Commission.

4. Despite of the repeated directions of the Commission, the PIO MS. Satinder Kaur, o/o Estate Officer, GMADA, Mohali has not attended the hearings in the Commission personally. Therefore, a bailable warrant be issued to her for not complying the orders of the Commission.

5. The matter to come up for further hearing now on **12.07.2018 at 11.30AM.** Copies of the order be sent to the parties.

 Sd/-

**Chandigarh (Prof. Viney Kapoor Mehra)**

**17.05.2018 State Information Commissioner**

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**BAILABLE WARRANT OF PRODUCTION**

BEFORE PROF. VINEY KAPOOR MEHRA, STATE INFORMATION COMMISSIONER, PUNJAB

In case of Sh. Nath Ram Garg v/s Public Information Officer, O/o Estate Officer, GMADA, Mohali.

Complaint/Appeal No. : AC : 337/2018

**UNDER SECTION 18 OF THE RIGHT TO INFORMATION ACT, 2005.**

**NEXT DATE OF HEARING : 12.07.2018**

To

 **Senior Superintendent of Police,**

 **Mohali. (SAS Nagar)**

 Whereas the Public Information Officer, **Ms. Satinder Kaur, Suptd.-cum-PIO o/o Estate Officer, GMADA, Mohali, Punjab** has failed to appear before the State Information Commissioner despite the issuance of repeated notices/directions in the above mentioned appeal case. Therefore, you are hereby directed to serve this bailable warrant on Public Information Officer **Ms. Satinder Kaur, Suptd.-cum-PIO o/o Estate Officer, GMADA, Mohali, Punjab** at o/o Red Cross Bhawan, Madhya Marg, Sector:16, Chandigarh on 12.07.2018 at 11.30AM. Copy of the orders dated 11.04.2018 is enclosed.

 Sd/-

**Chandigarh (Prof. Viney Kapoor Mehra)**

**17.05.2018 State Information Commissioner**

 **PUNJAB STATE INFORMATION COMMISSION**

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Sh. Satish Kumar Bhiri,

Near Nehru Park, Jaito,

Distt:Faridkot.

Appellant

Versus

**Public Information Officer**,

O/o District Manger,

Markfed, Faridkot.

**First Appellate Authority**

o/o District Manger,

Markfed, Faridkot.

Respondent

**Appeal Case No. 816 of 2018**

**Present :** (i) None is present on behalf of the appellant.

(ii) Sh. Rajesh Kumar Chawla, Sr. AO, APIO on behalf of the respondent.

**ORDER**

 The appellant has informed the Commission on telephone that he has received the information by yesterday from the respondent comprising 186 pages and wants some more time to go through the same.

2. The respondent states that the information has been supplied to the appellant.

3. The appellant is advised to revert back to the authorities in case he is not satisfied with the provided information. On receipt of the deficiencies, the respondents are directed to remove the same before the next date of hearing. This is the last opportunity given to the appellant to follow up his case in the Commission, failing which decision shall be taken on merit.

4. The matter to come up for further hearing now on **12.07.2018 at 11.30AM.** Copies of the order be sent to the parties.

 Sd/-

**Chandigarh (Prof. Viney Kapoor Mehra)**

**17.05.2018 State Information Commissioner**

 **PUNJAB STATE INFORMATION COMMISSION**

**Red Cross Building, Near Rose Garden**

**Sector:16, Chandigarh**

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Sh. Bagwant Singh,

S/o Late Sh. Charan Singh,

R/o Village Wahge Wala,

P.O: Kai Feme Ki, Tehsil & Distt:Ferozepur.

Appellant

Versus

**Public Information Officer**,

O/o SSP,

Ferozpuer.

**First Appellate Authority,**

o/o Deputy Inspector General of Police,

Ferozepur Range, Ferozepur.

Respondent

**Appeal CASE NO. 857 OF 2018**

**PRESENT:** (i) Sh. Bagwant Singh, the appellant.

(ii) Sh. Gurwinder Singh, SHO on behalf of the respondent.

**ORDER**

The RTI application is dated 12.12.2017 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) on 17.01.2018 and second appeal was filed in the Commission on 06.03.2018 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 17.05.2018 in the Commission.

3. The appellant states that no information has been supplied to him by the respondent.

4. Sh. Gurwinder Singh, SHO files reply to the Notice of the Commission mentioning therein that the first reply to the RTI application dated 12.12.2017 has been sent to the appellant vide letter dated 29.12.2017 that the inquiry is still under consideration and complete information has been sent to him vide letter dated 10.05.2018. The respondent has provided another copy of the same to the appellant today in the Commission. Copy of the same is taken on record.

5. After going through the information, the appellant states that he is satisfied and wants to close the case.

Contd…p-2

**Appeal CASE NO. 857 OF 2018**

6. In view of the above, no further cause of action is left in the instant Appeal Case, which is hereby, **disposed of and closed**. Copies of the order be sent to the parties.

 Sd/-

**Chandigarh (Prof. Viney Kapoor Mehra)**

**17.05.2018 State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

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**Sector:16, Chandigarh**

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Sh. Kuldeep Singh,

S/o Sh. Hari Singh,

Hira Bagh, Street No.1 2,

Jagraon, Distt:Ludhiana.

 …Appellant

Versus

**Public Information Officer**,

O/o Director,

Scheduled Caste and Welfare,

Punjab, Chandigarh.

**First Appellate Authority,**

o/o Principal Secy.,

Scheduled Caste and Welfare,

Punjab, Chandigarh.

 ...Respondent

**Appeal Case No. 868 of 2018**

**PRESENT:** (i) None is present on behalf of the appellant.

(ii) Sh. Bindu Walia, PIO, the respondent.

**ORDER**

 The RTI application is dated 15.11.2017 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) on 27.12.2017 and second appeal was filed in the Commission on 06.03.2018 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 17.05.2018 in the Commission.

3. The appellant is absent for today’s hearing.

4. The respondent files a reply to the Notice of the Commission mentioning therein that the appellant has not attached any identity proof alongwith the RTI application and a letter has been written to him in this regard but till today, no response has been given by him.

5. After hearing the respondent and perusing the case file, it is ascertained that the information which has been sought by the appellant does not fall under the RTI Act, 2005.

Contd…p-2

**Appeal Case No. 868 of 2018**

6. In view of the foregoing, the instant appeal is not maintainable before this Commission and hence **dismissed**. The Commission advises the appellant to approach the competent forum or Court for redressal of his grievance as it is unable to go outside the jurisdiction stipulated by the RTI Act. In wake of aforementioned, this Appeal Case is hereby devoid of merit and hence **closed and disposed of.**

 Sd/-

**Chandigarh (Prof. Viney Kapoor Mehra)**

**17.05.2018 State Information Commissioner**

 **PUNJAB STATE INFORMATION COMMISSION**

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Sh. Bagwant Singh,

S/o Late Sh. Charan Singh,

R/o Village Wahge Wala,

P.O: Kai Feme Ki, Tehsil & Distt:Ferozepur.

Appellant

Versus

**Public Information Officer**,

O/o SSP,

Ferozpuer.

**First Appellate Authority,**

o/o Deputy Inspector General of Police,

Ferozepur Range, Ferozepur.

Respondent

**Appeal CASE NO. 858 OF 2018**

**PRESENT:** (i) Sh. Bagwant Singh, the appellant.

(ii) Sh. Sukhdev Singh, HC behalf of the respondent.

**ORDER**

The appellant states that till today, no information has been given to him by the respondent.

2. Sh. Sukhdev Singh, HC files reply to the Notice of the Commission mentioning therein that the complete information has been sent to the appellant vide letter dated 10.05.2018 by registered post. The respondent has provided another copy of the same to the appellant today in the Commission. Copy of the same is taken on record.

3. The responded-PIO is directed to file an affidavit stating that the information which was available in the office record stands supplied and nothing is pending, on the next date of hearing with a copy to the appellant, failing which action under Section 20(1) of the RTI Act, 2005 will be initiated.

4. The matter to come up for further hearing now on **20.06.2018 at 11.30AM.** Copies of the order be sent to the parties.

 **Sd/-**

**Chandigarh (Prof. Viney Kapoor Mehra)**

**17.05.2018 State Information Commissioner**

 **PUNJAB STATE INFORMATION COMMISSION**

**Red Cross Building, Near Rose Garden**

**Sector:16, Chandigarh**

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Sh. Rakesh Kumar Gupta,

8/237, Jagrao Road, Mandi Mullanpur,

Distt: Ludhiana.

Appellant

Versus

**Public Information Officer**,

O/o District Manager,

Punjab Agro Food Corporation,

Salim Tabri, Ludhiana.

**First Appellate Authority**

o/o Director,

Punjab Agro Food Corporation,

Ludhiana.

 Respondent

**Appeal Case No. 2770 of 2017**

**PRESENT:** (i) Sh. Rakesh Kumar Gupta, the appellant.

(ii) Sh. Jagtar Singh D.M, PAFC, Sh. Somesh Gupta, Advocate on behalf of the respondent.

**ORDER**

This order may be read with reference to the previous order dated 20.0.2018.

2. The appellant states that till today, complete information has not been supplied to him by the respondent.

3. The respondent states that the information as per its availability has already been supplied to the appellant vide letter dated 12.12.2017 and the appellant has pointed out deficiencies which have also been removed by the department but still, he is not satisfied.

4. The PIO has filed self declaration in response to the order showing cause, which his taken on record.

5. Keeping in view all the facts mentioned in the reply are found satisfactory. The show cause issued to the PIO is hereby, dropped.

6. After hearing both the parties and perusal of the record as available in the file, I am of the view that an important matter is involved in this case hence, this case file is returned to the Deputy Registrar to place it before the Hon’ble Chief Information Commissioner to constitute larger Bench to decide this matter. Copies of the order be sent to the parties.

 Sd/-

**Chandigarh (Prof. Viney Kapoor Mehra)**

**17.05.2018 State Information Commissioner**

 **CC: Deputy Registrar, Punjab State Information Commission. (By hand)**

**PUNJAB STATE INFORMATION COMMISSION**

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Sh. Gurdeep Singh,

S/o SH. Munsha Singh,

H.No.119, Dr. Sandhugarh,

Distt:Fatehgarh Sahib.

Appellant

Versus

**Public Information Officer**,

O/o District Manager,

Markfed, Fatehgarh Sahib.

**First Appellate Authority**

o/o Additional Managing Director(P),

Markfed, Punjab, Chandigarh.

Respondent

**Appeal CASE NO. 3379 OF 2017**

Present : (i) Sh. Gurdeep Singh, the appellant.

(ii) Smt. Mandeep Gill (S.A) on behalf of the respondent.

 **ORDER**

 This order may be read with reference to the previous orders dated 21.03.2018.

2. The appellant states that till today, neither the complete information nor the compensation amount of Rs. 2000/- has been given to him by the respondent.

3. The respondent states that some more time be given to her to pay the compensation amount to the appellant and whereas the information is concerned the complete information as per office record has been supplied to the appellant.

4. The responded-PIO is directed to file an affidavit stating that the information which was available in the office record stands supplied and nothing is pending, on the next date of hearing with a copy to the appellant and pay the compensation amount within a week, failing which action under Section 20(1) of the RTI Act, 2005 will be initiated.

5. The matter to come up for further hearing now on **12.07.2018 at 11.30AM.** Copies of the order be sent to the parties.

 Sd/-

**Chandigarh (Prof. Viney Kapoor Mehra)**

**17.05.2018 State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

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Sh. Jasbir Singh,

Village:Bolapur, Jhabewal,

P.O: Ramgarh, Distt:Ludhiana.

 Appellant

Versus

**Public Information Officer,**

O/o District Programme Officer,

Ludhiana.

**First Appellate Authority**

o/o Chairman,

Punjab State Child Rights Protection,

Commission, Punjab.

 ...Respondent

 **Appeal Case No. 819 of 2018**

**PRESENT:** (i) None is present on behalf of the appellant.

(ii)Sh. Rajwinder Singh Gill, Dy Director on behalf of the respondent.

**ORDER**

 The appellant is absent for today’s hearing.

2. Sh. Rajwinder Singh Gill, Dy Director is appearing on behalf of the respondent and files written submission today in the Commission mentioning therein that the information which has been sought by the appellant is related with the District Programme Officer, Ludhiana and they have already transferred the same to the concerned department under Section 6(3) of the RTI Act, 2005 vide letter dated 21.11.2017.

3. Since, the information is to be provided by the PIO, O/o District Programme Officer, Ludhiana. I, therefore, order that PIO, O/o District Programme Officer, Ludhiana be impleaded as Respondent. I further direct that PIO, O/o District Programme Officer, Ludhiana should personally appear on the next date of hearing and supply the information to the Appellant, before the next date of hearing.

4. Last opportunity is given to the appellant to follow up his case in the Commission, failing which decision shall be taken on merit.

5. The PIO o/o Punjab State Child Rights Protection Commission, Mohali is exempted from further appearances.

6. The matter to come up for further hearing now on **12.07.2018 at 11.30AM.** Copies of the order be sent to the parties.

 Sd/-

**Chandigarh (Prof. Viney Kapoor Mehra)**

**17.05.2018 State Information Commissioner**

**CC: Chairman, Punjab State Child Rights Protection Commission, Mohali.(Regd. Post)**

**PUNJAB STATE INFORMATION COMMISSION**

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Sh. Naresh Devgan Sharma,

Chamber No. 7022/2, Distt Courts,

Ludhiana. …Appellant

Versus

**Public Information Officer,**

O/o Chief Judicial Magistrate,

Ludhiana.

**First Appellate Authority**

o/o Chief Judicial Magistrate,

Ludhiana.

 ...Respondent

**Appeal Case No. 1344 of 2017**

**PRESENT:** (i) Sh. Naresh Devgun Sharma, the appellant.

(ii) None is present on behalf of the respondent.

**ORDER**

 This order may be read with reference to the previous order dated 21.03.2018.

2. The appellant states that inspite of the directions of the Commission, complete information has not been supplied to him by the respondent.

3. The brief facts of the above case are that Sh. Naresh Devgan Sharma has filed an RTI application dated: 24.04.2017 addressed to PIO O/o Chief Judicial Magistrate, Ludhiana under Section 7of the RTI Act, 2005 relates with life and liberty on not receiving the response from the department, he filed first appeal with the First Appellate Authority dated 01.05.2017 and filed second appeal in the Commission dated 16.05.2017 and accordingly, a notice of hearing was issued to the parties for 05.06.2017.

4. In this case, the six hearings were held and compensation was awarded to the appellant for the detriments suffered by him in getting the information. The case was disposed of and closed on 16.01.2018 on the assurance of the respondent Sh. Sanjay Kumar the then PIO that the remaining information will be supplied to the appellant within one week. After one month, the appellant has informed the Commission that complete information has not been supplied to him by Sh. Sanjay Kumar, the then PIO, as assured by him. On this complaint, the notice of hearing was issued to Sh. Sanjay Kumar for the non compliance the orders of the Commission.

Contd…p-2

**Appeal Case No. 1344 of 2017**

5. During the hearing dated 21.03.2018, he was again absent without any intimation. Therefore, a bailable warrant and show cause notice was issued to him under Section 20(1) of the RTI Act, 2005 that why the penalty should not be imposed upon him and the case was adjourned for hearing dated 17.05.2018.

6. At today’s hearing, Sh. Sanjay Kumar is again absent and no written reply has been received from him in response to the show cause notice issued to him, which shows that he has no regard to the orders of the Commission.

7. **T**he perusal of the file and the conduct of the respondent have proved that he has not performed his duty as mandated by the RTI regime, which shows that he has no regard for the orders issued by the Commission and respect for the law which has been passed for ensuring transparency & accountability. Disregard of the law of the land is intolerable and he is not only delaying the information to the appellant but is making mockery of it which needs to be condemned. Such kind of behavior of a Government employee needs to be condemned and such employees need to be taught a good lesson so that rest of the employees have a right kind of message to wake up and perform their duties under the RTI Act for ensuring complete transparency and due accountability in the governance affairs of the public authorities.

8. It transpires that he has not provided information after the lapse of more than one year. There has been unnecessary delay in conveying the correct state of affairs to the complainant in regard to his request for information. His explanation for delay has been unsatisfactory given by the respondent. Rather, his failure to even respond to the show cause direction by the Commission reinforces the fact that he has been without any reasonable cause, guilty of remissness in the discharge of his duties. He, therefore, deserves to be penalized.

9. In view of the facts stated above, the conduct of the official needs to be condemned and the ends of justice will be met by imposing penalty. **He is, therefore, deserves to be penalized. As the delay is of more than one year, maximum penalty of Rs. 25000/- has already been imposed upon him, the delinquent PIO but taking a lenient view** I, therefore, **impose necessary penalty of Rs. 10,000/- (Rupees Ten Thousand Only) upon Sh. Sanjay Kumar, the then PIO**

**Contd…p-3**

**Appeal Case No. 1344 of 2017**

**and now Examiner, copying branch, Judicial Court, Ludhiana** having failed to perform his mandated duty and to submit any reply to the show cause notice issued to him. The amount of penalty i.e. Rs. 10,000/- should be deducted from his salary and be deposited in the treasury under head "0070-Other Administrative Services-60-Other Services-800-Other Receipts-86-Fees under the Right to Information Act." **Chief Judicial Magistrate Ludhiana shall ensure that this amount of penalty is deducted from the salary of the above said defaulting** official and deposited in the Treasury under the relevant head and he is warned to be very careful in future while dealing with RTI applications/appeal cases, any instructions/directions given by the Commission.

10. The case is adjourned for **12.07.2018 at 11:30 AM** for the compliance report. Copies of the order are sent to the parties.

 Sd/-

**Chandigarh (Prof. Viney Kapoor Mehra)**

**17.05.2018 State Information Commissioner**

***Through registered post***

**CC: Sh. Sanjay Kumar,**

 **Former PIO/Reader o/o Sh. Gurmehtab Singh, JMIC, Payal**

 **Now Examiner, Copying Branch, Judicial Court Complex,**

 **Payal, Distt:Ludhiana.**

**PUNJAB STATE INFORMATION COMMISSION**

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Sh. Naresh Devgan Sharma,

Chamber No. 7022/2, Distt Courts,

Ludhiana. …Appellant

Versus

**Public Information Officer,**

O/o Chief Judicial Magistrate,

Ludhiana.

**First Appellate Authority**

o/o Chief Judicial Magistrate,

Ludhiana.

 ...Respondent

**Appeal Case No. 4212 of 2016**

**PRESENT:** (i) Sh. Naresh Devgun Sharma, the appellant.

(ii) None is present on behalf of the respondent.

**ORDER**

 This order may be read with reference to the previous order dated 21.03.2018.

2. The appellant states that inspite of the directions of the Commission, complete information has not been supplied to him by the respondent.

3. The brief facts of the above case are that Sh. Naresh Devgan Sharma has filed an RTI application dated: 14.10.2016 addressed to PIO O/o Chief Judicial Magistrate, Ludhiana and filed first appeal with the First Appellate Authority dated 04.11.2016, after receving no response from the FAA, he filed second appeal in the Commission dated 20.12.2016 and accordingly, a notice of hearing was issued to the parties for 22.03.2017.

4. In this case, the eight hearings were held and compensation was awarded to the appellant for the detriments suffered by him in getting the information. The case was disposed of and closed on 16.01.2018 on the assurance of the respondent Sh. Sanjay Kumar the then PIO that the remaining information will be supplied to the appellant within one week. After one month, the appellant has informed the Commission that complete information has not been supplied to him by Sh. Sanjay Kumar, the then PIO, as assured by him. On this complaint, the notice of hearing was issued to Sh. Sanjay Kumar for the non compliance the orders of the Commission.

Contd…p-2

**Appeal Case No. 4212 of 2016**

5. During the hearing dated 21.03.2018, he was again absent without any intimation. Therefore, a bailable warrant and show cause notice was issued to him under Section 20(1) of the RTI Act, 2005 that why the penalty should not be imposed upon him and the case was adjourned for hearing dated 17.05.2018.

6. At today’s hearing, Sh. Sanjay Kumar is again absent and no written reply has been received from him in response to the show cause notice issued to him, which shows that he has no regard to the orders of the Commission.

7. **T**he perusal of the file and the conduct of the respondent have proved that he has not performed his duty as mandated by the RTI regime, which shows that he has no regard for the orders issued by the Commission and respect for the law which has been passed for ensuring transparency & accountability. Disregard of the law of the land is intolerable and he is not only delaying the information to the appellant but is making mockery of it which needs to be condemned. Such kind of behavior of a Government employee needs to be condemned and such employees need to be taught a good lesson so that rest of the employees have a right kind of message to wake up and perform their duties under the RTI Act for ensuring complete transparency and due accountability in the governance affairs of the public authorities.

8. It transpires that he has not provided information after the lapse of more than one year. There has been unnecessary delay in conveying the correct state of affairs to the complainant in regard to his request for information. His explanation for delay has been unsatisfactory given by the respondent. Rather, his failure to even respond to the show cause direction by the Commission reinforces the fact that he has been without any reasonable cause, guilty of remissness in the discharge of his duties. He, therefore, deserves to be penalized.

9. In view of the facts stated above, the conduct of the official needs to be condemned and the ends of justice will be met by imposing penalty. **He is, therefore, deserves to be penalized. As the delay is of more than one year, maximum penalty of Rs. 25000/- has already been imposed upon him, the delinquent PIO but taking a lenient view** I, therefore, **impose necessary penalty of Rs. 10,000/- (Rupees Ten Thousand Only) upon Sh. Sanjay Kumar, the then PIO**

**Contd…p-3**

**Appeal Case No. 4212 of 2016**

**and now Examiner, copying branch, Judicial Court, Ludhiana** having failed to perform his mandated duty and to submit any reply to the show cause notice issued to him. The amount of penalty i.e. Rs. 10,000/- should be deducted from his salary and be deposited in the treasury under head "0070-Other Administrative Services-60-Other Services-800-Other Receipts-86-Fees under the Right to Information Act." **Chief Judicial Magistrate, Ludhiana shall ensure that this amount of penalty is deducted from the salary of the above said defaulting** official and deposited in the Treasury under the relevant head and he is warned to be very careful in future while dealing with RTI applications/appeal cases, any instructions/directions given by the Commission.

10. The case is adjourned for **12.07.2018 at 11:30 AM** for the compliance report. Copies of the order are sent to the parties.

 Sd/-

**Chandigarh (Prof. Viney Kapoor Mehra)**

**17.05.2018 State Information Commissioner**

***Through registered post***

**CC: Sh. Sanjay Kumar,**

 **Former PIO/Reader o/o Sh. Gurmehtab Singh, JMIC, Payal**

 **Now Examiner, Copying Branch, Judicial Court Complex,**

 **Payal, Distt: Ludhiana.**

 **PUNJAB STATE INFORMATION COMMISSION**

**Red Cross Building, Near Rose Garden**

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Sh. Gagan Deep Singh Janjuja,

Village:Tura, P.O: Kumbh,

Tehsil:Amloh, Distt:Fatehgarh Sahib.

 …Appellant.

Versus

**Public Information Officer,**

O/o Tehsildar,

Tappa, Distt:Barnala.

**First Appellate Authority**

o/o SDM,

Tappa, Distt:Barnala.

 ...Respondent

 **Appeal Case No. 884 of 2018**

**PRESENT:** (i) None is present on behalf of the appellant.

(ii) Sh. Gurbans Singh, Naib Tehsildar on behalf of the respondent.

**ORDER**

The RTI application is dated 22.12.2017 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) on 27.01.2018 and second appeal was filed in the Commission on 08.03.2018 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 17.05.2018 in the Commission.

3. A letter has been received from the appellant in the Commission by email mentioning therein that the information which has been supplied to him by the respondent is not according to his RTI application and has sought adjournment to state his case.

4. The respondent files reply to the Notice of the Commission mentioning therein that the reply has already been supplied to the appellant vide letter dated 24.01.2018 that no such information is available in their office record.

5. The PIO is directed to file an affidavit stating that the information which has been sought by the appellant is not available in their office record, on the next date of hearing, failing which action will be initiated against the PIO for non compliance the orders of the Commission.

Contd…p-2

**Appeal Case No. 884 of 2018**

6. Last opportunity is given to the appellant to follow up his case in the Commission, failing decision shall be taken on merit.

7. The matter to come up for further hearing now on **12.07.2018 at 11:30 AM**. Copies of the order are sent to the parties.

 Sd/-

**Chandigarh (Prof. Viney Kapoor Mehra)**

**17.05.2018 State Information Commissioner**

 **PUNJAB STATE INFORMATION COMMISSION**

**Red Cross Building, Near Rose Garden**

**Sector:16, Chandigarh**

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Sh. Gagan Deep Singh Janjuja,

Village:Tura, P.O: Kumbh,

Tehsil:Amloh, Distt:Fatehgarh Sahib.

 …Appellant.

Versus

**Public Information Officer,**

O/o Tehsildar,

Tappa, Distt:Barnala.

**First Appellate Authority**

o/o SDM,

Tappa, Distt:Barnala.

 ...Respondent

 **Appeal Case No. 883 of 2018**

**PRESENT:** (i) None is present on behalf of the appellant.

(ii) Sh. Gurbans Singh, Naib Tehsildar on behalf of the respondent.

**ORDER**

The RTI application is dated 22.12.2017 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) on 27.01.2018 and second appeal was filed in the Commission on 08.03.2018 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 17.05.2018 in the Commission.

3. A letter has been received from the appellant in the Commission by email mentioning therein that the information which has been supplied to him by the respondent is not according to his RTI application and has sought adjournment to state his case.

4. The respondent files reply to the Notice of the Commission mentioning therein that the reply has already been supplied to the appellant vide letter dated 24.01.2018 that no such information is available in their office record.

5. The PIO is directed to file an affidavit stating that the information which has been sought by the appellant is not available in their office record, on the next date of hearing, failing which action will be initiated against the PIO for non compliance the orders of the Commission.

Contd…p-2

**Appeal Case No. 883 of 2018**

6. Last opportunity is given to the appellant to follow up his case in the Commission, failing decision shall be taken on merit.

7. The matter to come up for further hearing now on **12.07.2018 at 11:30 AM**. Copies of the order are sent to the parties.

 Sd/-

**Chandigarh (Prof. Viney Kapoor Mehra)**

**17.05.2018 State Information Commissioner**