



Sh.Tarsem Chand Shastri,
H No-141/S, Jawahar Market,
Nangal, DisttRopar.

... Appellant

Versus

Public Information Officer,
O/o DEO (EE),
Ropar.

...Respondent

Complaint Case No. 521 of 2020

PRESENT: None for the Complainant
None for the Respondent

ORDER:

The complainant through the RTI application dated 25.10.2018 has sought information regarding action taken report on the letter No.24738 dt.05.07.2018 forwarded by vigilance bureau Pb on complaint no.40/18 against Sumedha ETT Block Anandpur Sahib and other information as enumerated in the RTI application concerning the office of Principal Secretary Education, Punjab. The office of Principal Secretary transferred the RTI application to the office of Director Education on 12.11.2018 which further transferred it to DEO(EE) Ropar. The complainant was not provided with the information after the appellant filed a complaint in the Commission on 10.08.2020.

The case was last heard on 10.02.2021 through video conferencing at DAC Mohali. The respondent present pleaded that the enquiry in the case was conducted at the level of BPEO Nangal and an enquiry report was provided to the complainant on 12.07.2016. The Commission also received a reply from the PIO which was taken on the file of the Commission.

A copy of the information received from the PIO was sent to the complainant along with the order. The complainant was directed to point out the discrepancies if any to the PIO, with a copy to the Commission. The PIO was directed to remove the discrepancies.

Hearing dated 17.05.2021:

The case has come up for hearing today through video conferencing at DAC Mohali. Both the parties are absent.

At the last hearing, the Commission had received the reply from the PIO. A copy of the reply was sent to the complainant along with the order and the complainant was directed to point out the discrepancies if any to the PIO with a copy to the Commission.

The complainant is absent on 2nd consecutive hearing nor has communicated any discrepancies. It is presumed that the complainant has received the information and is satisfied.

Since the information has been provided, no further course of action is required. The case is **disposed of and closed**.

Chandigarh
Dated:17.05.2021

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh. Nitin Kumar Garg,
C/o Police Public Dairy,
Sector-15-A, Shastri Nagar,
Model Town, Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o XEN, Water supply and Sanitation,
Division-3, SAS Nagar, Mohali.

First Appellate Authority,
O/o SE, Water Supply and Sanitation Circle,
Sector-34-A, SCO-158-160,
Chandigarh.

...Respondent

Appeal Case No. 2477 of 2020

PRESENT: None for the Appellant
Sh.Michal, Xen –Water Supply & Sanitation Div-3, Mohali for the
Respondent

ORDER:

The appellant through the RTI application dated 28.02.2020 has sought information regarding a copy of the sanction letter/like sports quotation issued for work of CSR to all SDE in the division from 01.04.2019 to 28.02.2019 from the Xen Water Supply & Sanitation Division. No.3, Mohali. The appellant was not satisfied with the reply of the PIO dated 26.03.2020 vide which the appellant was asked to deposit a requisite fee of Rs.56824/- after the appellant filed the first appeal before the first appellate authority on 12.05.2020 which took no decision on the appeal.

The case was last heard on 10.02.2021 through video conferencing at DAC Mohali. The appellant claimed that the PIO has not provided the information.

The respondent was absent. Having gone through the file, the Commission observed that the PIO had raised a fee of Rs.56824/- which the appellant did not deposit, and preferred to file an appeal in the Commission.

Since the information sought seen staggering given the fee that the PIO had raised, in the interest of the appellant, I advised him to inspect the record by fixing a mutually convenient date and time with the PIO. The appellant, if interested in obtaining the information can identify documents that he wishes to obtain and get them by paying the requisite fee under the RTI Act. The PIO was ordered to allow inspection of the record and provide the relevant information to the appellant. The order was valid till the next date of hearing.

Hearing dated 17.05.2021:

The case has come up for hearing today through video conferencing at DAC Mohali. The appellant is absent and vide email has informed that he visited the office of PIO and after inspecting the record, specified desired documents as well as deposited the requisite fee, however, the PIO has not supplied the information.

The respondent present informed that the appellant after inspecting the record on 13.05.2021, has specified the desired documents and deposited Rs.300/- for the same. The respondent further informed that they have prepared the information and assured to send the same to the appellant within 2-3 days.

The PIO is directed to supply the information to the appellant within a week and send a compliance report to the Commission.

With the above order, the case is **disposed of and closed**. However, the Commission makes it clear that if the information is not supplied, the appellant is free to come to the Commission again.

Chandigarh
Dated:17.05.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh Mukhtiar Singh, S/o Sh Hukam Singh,
R/o Basti Kamer Wala, Tehsil Jalalabad,
Distt Fazilka.

... Complainant

Versus

Public Information Officer,
O/o ADC, (D),
Fazilka.

...Respondent

Complaint Case No. 523 of 2019

PRESENT: None for the Complainant
Sh. Janak Raj, Panchayat Officer for the Respondent

ORDER: This case should be read in continuation to the previous order.

The complainant through RTI application dated 24.08.2018 has sought information regarding the formation of a separate panchayat from village Kamrewala Block Jalalabad along with a copy of the complete file and other information concerning the office of ADC(D) Fazilka. The complainant was asked to vide letter dated 20.09.2018 by the PIO to deposit requisite fee of Rs.320/- which was deposited by the complainant. However, since the information was not supplied by the PIO, the complainant filed a complaint in the Commission on 03.06.2019.

The case has already been heard on 21.10.2019, 08.01.2020, 10.06.2020, 22.09.2020, & 10.11.2020.

On the date of the first hearing on 21.10.2019, the complainant vide email sought exemption stating that he had to cast his vote in Jalalabad Constituency. The PIO was absent.

Having gone through the record, the Commission observed that despite a deposit of the requisite fee by the complainant, the PIO did not provide the 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 provide the information within 10 days and send a compliance report to the Commission.

On the date of hearing on **08.01.2020**, the respondent was absent for the 2nd consecutive hearing nor did he send any reply to the show-cause notice. The respondent also did not provide the information, after which the PIO was given one more opportunity to provide the information and appear before the Commission on the next date of hearing along with a written reply to the show cause notice on an affidavit.

On the date of hearing on **10.06.2020**, the respondent present from the office of ADC(D) pleaded that since the information relates to BDPO Jalalabad, the RTI application was transferred to them. The respondent further informed that some of the information has been provided to the complainant by the concerned panchayat secretary. The PIO-BDPO was yet again absent.

On the date of hearing on 22.09.2020, the appellant claimed that the PIO has not provided the information. The BDPO Jalalabad was absent again nor did he send any reply to the show-cause notice. The respondent present from MGNREGA informed that due to death of a relative of the Panchayat Secretary, the Panchayat Secretary had not appeared.

Complaint Case No. 523 of 2019

Given the above, the Commission on that hearing observed that since the appellant to collect the information had to suffer undue inconvenience, for which the PIO-BDPO Jalalabad was directed to pay an amount of **Rs.3000/-** via demand draft as compensation to the appellant and submit proof of having compensated the appellant. The PIO-BDPO was also directed to provide the information to the complainant within 10 days and appear personally on the next date of hearing.

On the date of the last hearing on **10.11.2020**, the PIO-BDPO-Jalalabad and Panchayat Secretary appeared and informed that in compliance with the order of the Commission, the compensation amount of Rs.3000/-(vide draft No.892227 dated 28.09.2020) has been paid to the complainant. As per the respondent, the information had also been provided to the complainant. The complainant had received the information and compensation.

The respondent further informed that he joined as BDPO-Jalalabad only on 17.06.2020 and the following were the PIO-cum-BDPO Jalalabad from the date of transfer of RTI application from the ADC's office:

Sh.Gurmail Singh	-	09.07.2018 to 20.11.2018
Sh.Bhupinder Singh	-	06.12.2018 to 20.06.2019
Sh.Joga Singh	-	20.06.2019 to 19.09.2019
Sh.Gurvinder Singh	-	19.09.2019 to 14.02.2020
Sh.Ravinder Singh	-	14.02.2020 to 17.06.2020
Sh.Gurjinder Singh	-	17.06.2020 to till date

From the facts above, it was clear that the present BDPO had been the PIO for the maximum period as well as the one who received the order dated 10.06.2020 and 22.09.2020 to provide the complete information after the RTI application was transferred by ADC(D) to BDPO but did not comply the order of the Commission.

Since the responsibility to ensure the timely transmission of the information to the appellant lies on the PIO, the PIO-BDPO-Jalalabad was held guilty for not providing the complete information on time and a penalty of **Rs.5,000/-** was imposed upon the PIO-BDPO-Jalalabad with the direction to deposit the same in the Govt. Treasury and submit a copy of the challan justifying the deposition of the penalty in the Govt Treasury.

From the above, it was also observed that when the RTI application was transferred by the ADC(D) to BDPO-Jalalabad(17.09.2018), Sh.Gurmail Singh was the PIO and when the show cause notice was issued on 21.10.2019, Sh.Gurvinder Singh was the PIO who also received the further order dated 08.01.2020 but did not attend the hearing nor send any reply to the show-cause notice.

Since the other PIOs (Sh.Joga Singh and Sh.Ravinder Singh) were the PIOs for short period, the responsibility to provide the information and comply with the order of the Commission lay on Sh.Gurvinder Singh, the then PIO, given that he was also held guilty for not providing the complete information on time and for repeated and willful defiance of the Punjab State Information Commission's orders.

A penalty of **Rs.5,000/-** was also imposed upon Sh.Gurvinder Singh, the then PIO-BDPO-Jalalabad and directed to duly inform the Commission of the compliance of the orders by producing a copy of the challan justifying the deposition of the penalty in the Govt Treasury.

On the date of hearing on **29.01.2021**, the PIO-cum-BDPO Jalalabad and Sh.Gurvinder Singh, BDPO, Patiala(then PIO-BDPO Jalalabad) were absent.

Sh. Amarjit Singh, Panchayat Secretary appeared and informed that the penalty amount of Rs.5000/- has been deposited by Sh.Gurvinder Singh, PIO-BDPO, Patiala (then PIO-BDPO Jalalabad in the Govt Treasury and copy of challan is being sent to the Commission but the penalty of Rs.5000/- imposed upon Sh.Gurjinder Singh, present PIO-BDPO was yet to be deposited.

The PIO-BDPO, Jalalabad was given one last opportunity to deposit the penalty and submit a copy of challan as proof of having deposited the same in the Govt Treasury and appear before the Commission on the next date of hearing.

The BDPO-Patiala(then PIO-BDPO Jalalabad) was also directed to send proof of having deposited the amount of penalty in the Govt treasury.

Hearing dated 17.05.2021:

The case has come up for hearing today through video conferencing at DAC Fazilka. The respondent present informed that the penalty amount of Rs.5000/- by Gurvinder Singh, PIO-BDPO Patiala(the then PIO-BDPO Jalalabad) and penalty amount of Rs.5000/- by Sh.Gurjinder Singh, present PIO-BDPO has been deposited in the Govt Treasury and copies of both challans have been sent to the Commission.

The Commission has received a letter on 08.02.2021 from the PIO-BDPO Jalalabad along with copies of challan as proof of having deposited the penalty amount in the Govt Treasury, which has been taken on the file of the Commission.

Since the information and compensation stand provided to the complainant, and the penalty has been deposited by the PIO in the Govt Treasury, no further course of action is required.

The case is **disposed of and closed..**

Chandigarh
Dated:17.05.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh Jagdish Lal Monga, S/o Sh Mohan Lal,
Kothi No-108, Rajgrur Street,
Near Bhagat Singh Colony,
Ferozepur City.

... Complainant

Versus

Public Information Officer,
O/o Chief Secretary,
Local Govt, Sector -35-A,
Chandigarh.

...Respondent

Complaint Case No. 528 of 2020

PRESENT: None for the Complainant
None for the Respondent

ORDER:

The complainant through RTI application dated 18.06.2020 has sought information regarding posting/transfer of Eos – name, posting/mobile number of officers for filing complaints of Eos and other information concerning the office of Chief Secretary, Local Govt. Pb. The complainant was not provided with the information after which the complainant filed a complaint in the Commission on 14.08.2020.

The case was last heard on 29.01.2021 through video conferencing at DAC Fazilka. Both the parties were absent. The case was adjourned.

Hearing dated 17.05.2021:

The case has come up for hearing today through video conferencing at DAC Fazilka. The respondent is absent and vide letter received in the commission on 09.04.2021 has sent a reply which has been taken on the file of the Commission.

In the reply, the PIO has mentioned that the information that has been sought by the complainant is ambiguous and not specific since the information is not readily available it has to be created. Further, as per section 7(9) of the RTI Act, the information shall ordinarily be provided in the form in which it is sought unless it would disproportionately divert the resources of the public authority or would be detrimental to the safety or preservation of the record in question. The reply has been sent to the complainant vide letter dated 07.09.2020.

The complainant is absent on 2nd consecutive hearing to pursue the case.

The case is **disposed of and closed** for non-pursuance of the case by the complainant.

Chandigarh
Dated:17.05.2021

Sd/-
(Khushwant Singh)
State Information Commissioner