



Sh.Harbhajan Singh,
S/o Sh.Mohan Singh,
R/o Vill.Giganwal, PO Bheram Sarishta,
Tehsil & District Jalandhar.

Appellant

Versus

Public Information Officer,
O/o Block Development & Panchayat Officer,
Bhogpur, District Jalandhar.

First Appellate Authority-cum-
District Development & Panchayat Officer,
Jalandhar.

Respondents

Appeal Case No.1489/2019

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
18.10.2019	Nil	04.02.2019	Nil	23.04.2019

Present: Appellant- Sh. Harbhajan Singh.
Respondents- None.

ORDER:

The following order was passed on 01.08.2019:
20.06.2019:-

"The appellant vide his application dated 18.10.2018 has sought information about various development activities having been undertaken and the record pertaining thereto during the period from 01.04.2014 to 30.09.2018. The appeal filed on 04.02.2019 has also not elicited any response from the appellate authority. Being constrained, the appellant has filed the second appeal with the Commission.

The respondents have demanded an amount of Rs.9850/- for providing the information without annexing any calculation on the basis of which the aforesaid amount has been arrived at. To common sense, the amount seems inflated and exorbitant. The Commission takes serious view of the fact that the BDPO who is respondent has not filed any reply despite the notice of the Commission. While desiring him to explain as to why he should not be penalized, he is directed to arrange inspection of the record relating to the information on 16.07.2019 at 11.00 AM. After inspection, he shall provide certified copies of the documents to the appellant to an extent of 200 pages only free of cost."



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01.08.2019

"The case has come up today. None is present to represent the respondents. No reply has been received. It is a brazen and blatant violation of the provisions of the Act and defiance of the directions of the Commission which warrants serious view.

The BDPO Bhogpur 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 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 case has come up today. The Commission is intrigued to find that the DDPO, Bhogpur, despite having been issued a show cause notice has refused to file a reply. The Commission, having taken a considered view, has desired the respondents to allow him an inspection and restricting the provision of information to 200 pages only. However, their absence smacks of defiance and willful intent not to provide the information.

The delay is beyond 100 days. The BDPO, hence, is found guilty of violating the provisions of Section 7 (1) of the RTI Act. Exercising its authority under Section 20 (1) of the RTI Act, the Commission imposes a penalty of Rupees 15000/- (Rupees Fifteen

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Thousand only) in lump sum on the BDPO. The Drawing & Disbursing Officer is directed to deposit the amount of penalty in the government Treasury in two equal installments from his salary from the month of October, 2019 under 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 before the next date of hearing positively.

As the appellant has been put to undue inconvenience and harassment, he is awarded a compensation of Rs.3,000/- which shall be paid to him through a bank draft by the public authority from its own account. As the information has still not been provided, the Commission directs the BDPO to ensure its prompt transmission and come present along with the record in person on the next date of hearing failing which, the Commission shall be constrained to enforce his presence by exercising its authority under section 18(7) of the RTI Act.

The BDPO has shown indiscipline and misconduct in performing his duties and has rendered himself for disciplinary actions as well under section 20 (2) of the RTI Act as well. The Director, Department of Rural Development and Panchayat, is hereby desired to issue him a charge sheet under intimation to the Commission within a month of receipt of this order positively. The information which relates to the resolutions passed by the Gram

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Panchayat and other development activities has still not been provided. The Commission again directs the BDPO to do the needful forthwith, failing which, his presence shall be ensured in the Commission with the record by exercising its authority under section 18 (3) of the RTI Act, 2005.

To come up on **31.10.2019 at 11.30 AM.**

17.09.2019

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