

PUNJAB STATE INFORMATION COMMISSION
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Sh.Sudhir Sharma,
C/o Shiv Enterprises,
Opposite Triveni Palace,
Paitala Road, Nabha.

...Appellant

Versus

Public Information Officer,
O/o EO, Nagar Council,
Nabha, Distt. Patiala

.....Respondent

Complaint Case No. 95/ 2019, 109/2019, 110/2019, 111/2019

PRESENT: None for the Appellant
 Sh.Roshan Lal, EO-NC Nabha and Sh.Rakesh Kumar EO-NC
 Bhawanigarh(Earlier PIO-EO NC Nabha)for the Respondent

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

The complainant through RTI application dated 23.11.2018 sought information regarding construction of roads, streets by Nagar Council Nabha from 2014-15 to 2018-19 and other information as enumerated in the RTI application. The complainant was not provided the information after which the complainant filed a complaint in the Commission on 28.01.2019.

The case has already been heard on 13.03.2019, 30.07.2019, 06.11.2019, 23.01.2020, 29.06.2020 , 28.09.2020, 01.12.2020 & 02.02.2021.

On the date of hearing on 30.07.2019, the PIO was absent nor had provided the information. Due to enormous delay of eight months in attending to the RTI application, the PIO was issued a **show cause notice** under section 20 of the RTI Act and directed to file reply on an affidavit. The PIO was again directed to provide the information to the complainant within 10days.

On the date of hearing on **06.11.2019**, the respondent Sh.Amrik Singh, EO appeared and informed that he had joined this office on 23.07.2019 and the delay had occurred on the part of the earlier PIO. The respondent also submitted his reply which was taken on the file of the Commission. In the reply, the respondent stated that after assuming the charge, he immediately asked the concerned junior engineer Sh.Gaganpreet Singh vide letter dated 23.07.2019 to provide the information to the appellant. Sh.Gaganpreet Singh was again instructed vide letter dated 16.08.2019 to provide the information to the appellant and be present before the Commission on the date of hearing on 06.11.2019. Sh.Gaganpreet Singh has been transferred and now posted in NC- Bagha Purana.

The PIO was directed to submit a detailed reply to the show cause notice on an affidavit and be present on the next date of hearing.

On the date of hearing on **23.01.2020**, the respondent submitted a reply to the show cause notice on an affidavit which was taken on the file of the Commission. The respondent also submitted a list of officers posted as PIOs at NC Nabha from the date of filing of RTI application till date. The respondent also informed that Sh.Rakesh Garg was the PIO-cum-EO NC Nabha when the RTI application was filed and he is now posted as EO-MC Bhawanigarh. Sh.Rakesh Garg, EO-MC Bhawanigarh was directed to appear personally before the Commission on the next date of hearing and explain the reasons why the RTI application was not attended to within the time prescribed under the RTI Act.

On the date of hearing on **29.06.2020**, Sh.Jatinder Singh appeared and informed that the information has been provided to the complainant. As per complainant, the information was incomplete. The appellant further informed that despite order of the First appellate Authority dated 04.03.2020, the complete information was not provided.

Hearing both the parties, the appellant was directed to inspect the record by fixing a mutually convenient date and time with the PIO and get the relevant information. If the information is not available, to give in writing on an affidavit that the information supplied is complete and no further information is available.

The Commission observed that the complainant had sought information in CC-95/2019, CC-109/2019, CC-110/2019 & CC-111/2019 from the same department i.e. EO-NC Nabha, all four cases were clubbed together and the PIO was directed to provide information in all these cases as per the RTI Act.

Since Sh.Rakesh Garg, EO-NC Bhawanigarh was absent nor had sent any reply to the show cause notice, to secure an erring PIO's presence before the commission, a bailable warrant of Sh.Rakesh Garg, EO-MC Bhawanigarh (Earlier PIO-cum-EO, NC-Nabha) was issued u/s 18(3) of the RTI Act through Senior Superintendent of Police, Sangrur for his presence before the Commission on **15.07.2020 which date** was postponed to 25.08.2020 and again to 28.09.2020.

On the date of hearing on **28.09.2020**, Sh.Rakesh Garg EO-MC Bhawanigarh (Earlier PIO-cum-EO NC Nabha) appeared and informed that he has already submitted his reply to the Commission. The Commission received reply which was taken on the file of the Commission.

In the reply, the respondent informed that he remained as EO-NC Nabha from 14.11.2018 to 26.03.2019 and thereafter went on medical leave. He further informed that during this period, he was having full charge of EO Nabha, additional charge of NC Bhawanigarh and Nagar Panchayat Amargarh but had a very uncooperative staff for which he had to suffer.

The respondent was directed to submit detailed reply on an affidavit.

On the date of hearing on **01.12.2020**, Sh.Rakesh Garg, EO-MC Bhawanigarh (Earlier PIO-cum-EO NC Nabha) appeared and informed that the detailed reply has already been sent to the Commission. The Commission had received the reply on 20.11.2020 which was taken on the file of the Commission. The appellant was absent.

On the date of hearing on **02.02.2021**, Sh.Manjit Singh, Inspector-NC Bhawanigarh appeared on behalf of Sh.Rakesh Garg, EO-Bhawanigarh (Earlier PIO-NC Nabha) and informed that the Sh.Rakesh Kumar, EO-NC Bhawanigarh (earlier PIO-NC Nabha) has already sent documents/CD in support of his earlier reply. The Commission had received a letter from the PIO on 13.01.2021 along with supporting documents which was taken on the file of the Commission.

As per respondent, the information to the complainant had already been provided on 14.01.2020. As per complainant, the information was incomplete. The PIO-NC Nabha was absent.

Having gone through the reply of the EO-NC Bhawanigarh (earlier PIO-NC Nabha), the Commission found no merit in the plea taken by the respondent and observe that the delay in attending to the RTI application had occurred on the part of Sh.Rakesh Garg, the then PIO-NC Nabha. He should have replied to the RTI application within thirty days as per the provisions of Section 7 of the RTI , ACT.

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Since the responsibility to ensure the timely transmission of the information to the appellant lies on the PIO, a penalty of **Rs.10,000/-** was imposed upon Sh.Rakesh Garg, EO-NC Bhawanigarh (Earlier PIO-cum-EO NC Nabha) and he was 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.

Further since the appellant to collect the information had to suffer undue inconvenience, the current PIO-EO-NC Nabha was directed to pay an amount of **Rs.2500/-** via demand draft as compensation to the appellant and submit proof of having compensated the appellant.

Hearing dated 18.05.2021:

The case has come up for hearing today through video conferencing at DAC Patiala. Sh.Rakesh Garg, EO-NC Bhawanigarh (Earlier PIO-cum-EO NC Nabha) and Sh.Roshan Lal, EO-NC Nabha are present and informed that in compliance of the order of the Commission, penalty amount of Rs.10000/- has been deposited in the Govt Treasury on 11.05.2021 and a copy of challan sent to the Commission through email. The respondents further information that compensation amount of Rs.2500/- (vide demand draft No.012377 dated 06.05.2021 drawn on HDFC Bank) has also been provided to the complainant vide letter dated 10.05.2021 with a copy sent to the Commission through email. The respondents informed that the information has already been provided to the complainant.

The complainant is absent. The Commission has received a copy of challan and bank draft which has been taken on the file of the Commission.

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

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

Chandigarh
Dated: 18.05.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to Sh.Rakesh Garg,
EO-NC, Bhawanigarh.



Sh.Rajwinder Singh S/o Sh.Kuldeep Singh,
#2636, Street No.1, Azad Nagar,
New Shimla Market, Putlighar,
Amritsar.

....Complainant

Versus

Public Information Officer,
O/o Deputy Commissioner of Police,
Amritsar.

....Respondent

Complaint case No. 921 of 2020

PRESENT: Sh.Rajwinder Singh as the Complainant
Sh.Sarwan Singh, Inspector O/o DCP for the Respondent

ORDER:

The complainant through RTI application dated 12.09.2020 has sought information regarding complaint No.479-PC/W dated 23.05.2017 filed by Smt.Jeewankaur w/o Rajwinder Singh – name of witnesses and date witness – name & addresses of the witnesses – date of finalization of enquiry report & copy of enquiry report – name of the officer involved in the enquiry and other information as enumerated in the RTI application concerning the office of DCP Amritsar. The complainant was not satisfied with the reply of the PIO dated 13.10.2020 after which the complainant filed a complaint in the Commission on 07.12.2020.

The case has come up for hearing today through video conferencing at DAC Amritsar. The respondent present pleaded that the information has been supplied to the complainant on 13.10.2020.

As per complainant, the information that has been provided does not relate to the complaint dated 23.05.2017.

The Commission has received reply of PIO on 16.03.2021 which has been taken on the file of the Commission. In the reply, the PIO has stated that since the enquiry on the complaints dated 10.02.2017, 17.05.2017 and 23.05.2017 was conducted by the enquiry officer collectively and enquiry report alongwith other documents has been provided to the complainant.

Since this is a complaint case and the complainant has come to the Commission without going to the First Appellate Authority, I am remanding the case to the First Appellate Authority with a direction to consider this as an appeal case and dispose of the same within a period of 30 days.

With the above order, the case is **disposed of and closed**.

Chandigarh
Dated 18.05.2021

(Khushwant Singh)
State Information Commissioner