



**DOUBLE BENCH**

**Jagtar Singh,**  
# 798, Sector-22,  
Village Dhanoni, Near Gurudwara Shaib,  
Tehsil Dera Bassi,  
District SAS Nagar.

Versus

**Public Information Officer,**  
o/o Executive Officer, Nagar Council,  
Zirakpur.  
**First Appellate Authority**  
o/o Regional Deputy Director, Urban Local Bodies,  
Patiala.

**Appeal Case No. 2739 of 2019**

PRESENT:  
none

ORDER:  
(To be read in continuity with earlier orders on **29.8.19, 27.9.19, 13.11.19 and 15.1.2020**)

1. The RTI application is dated **9.5.19** (erroneously stated as 21.8.19 in previous orders owing to incorrect tagging in this Commission) vide which the appellant has sought **information regarding his personal EPF and ESI etc.**, as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (FAA) on **13.6.19**, and second appeal was filed in the Commission on **29.7.19** under Section 19 of the Right to Information Act, 2005.
2. This appeal case was first heard on **29.8.19**, when the appellant Jagtar Singh was present but neither the respondent PIO-cum-Executive Officer (EO) municipal Council Zirakpur nor any other official deputed by him, appeared. The respondent was notably absent without any intimation to this Commission. However, since it was the first hearing, the respondent PIO was granted another opportunity to be heard, with a direction to furnish the requested information before the next date of hearing.
3. However, the respondent PIO, in evident disregard of this Commission's directions, again failed to appear at the second hearing of this case on **27.9.19**. The appellant was present and apprised this Bench that there had been no communication from the respondent in the interim period between the first and second hearings. The respondent PIO was issued a notice directing him to Show Cause as to why a penalty should not be imposed upon him under Section 20(1) of the RTI Act, 2005 for causing willful delay/denial of the information requested

**PUNJAB STATE INFORMATION COMMISSION**  
**Red Cross Building, Near Rose Garden,**  
**Sector 16, Chandigarh.**  
Ph: 0172-2864119, Email: - [psic29@punjabmail.gov.in](mailto:psic29@punjabmail.gov.in)  
Visit us: - [www.infocommpunjab.com](http://www.infocommpunjab.com)



**Appeal Case No. 2739 of 2019**

by the appellant. He was given an opportunity for a personal hearing before the imposition of such penalty and also duly informed that if he failed to file a written reply to the Show Cause notice and avail himself the opportunity of a personal hearing on the next date of hearing, it would be presumed that he has nothing to say and that the Commission would proceed to take further proceedings against him *ex parte*.

4. At the next (third) hearing on **13.11.19**, in continuing disregard and apparent defiance of successive Notices/Orders issued by this Commission, the respondent PIO failed to show up and also thereby failed to avail himself of the opportunity granted to him before the imposition of a penalty under Section 20(1) of the RTI Act. Accordingly, this Commission imposed a penalty of Rupees Twenty-five Thousand (Rs. 25,000.00) on the respondent PIO-cum-EO Municipal Council Zirakpur, **Sukhjinder Singh Sidhu**, which was to be deducted from his salary and deposited in the Punjab Government Treasury under the head: "0070-Other Administrative Services-60-Other Services-800-Other Receipts-86-Fees Under the Right to Information Act." A copy of the order was duly marked to the Secretary Local Government at Chandigarh and the Regional Director Urban Local Bodies at Patiala.

5. At the last hearing on **15.1.2020**, the respondent PIO-cum-EO Municipal Council Zirakpur, Sukhjinder Singh Sidhu was present in person and handed over the requested information (five pages) to the appellant Jagtar Singh. Acknowledging receipt, the appellant stated that he was satisfied with the information furnished by the respondent PIO.

6. Alongside the information, he also submitted a detailed reply wherein he made several contentions: Among these, was the fact that he did reply to the original RTI application of 9.5.19, but this was only after nearly five months, on 6.9.19 vide letter No. 2306, wherein the appellant was informed that he should seek the information from the contractor who had hired him to work as a clerk at the Municipal Council Zirakpur. However, the appellant, in earlier depositions before this Commission, had stated that he received no communication from the respondent PIO, including the afore mentioned letter of 6.9.19.

7. The respondent PIO also contended in his reply to this Commission that "the appellant has not asked for the information for the larger public interest." However, a bare perusal of the RTI application revealed that the appellant, who is working in the office of the Municipal Council Zirakpur through a contractor, had merely sought details of his own ESI and EPF, which were periodically deducted from his salary. This, in this Commission's view, constituted a valid request under the RTI Act.

8. At paragraph number 10 of his reply, the respondent PIO also contended that he could not appear personally at earlier hearings of this appeal case since he was busy with various governmental works including an inspection of the Municipal Council Zirakpur's records by the State Vigilance Bureau and in implementing the directions of the Punjab & Haryana High Court issued in CWP No. 27436 of 2015.

**PUNJAB STATE INFORMATION COMMISSION**  
**Red Cross Building, Near Rose Garden,**  
**Sector 16, Chandigarh.**  
Ph: 0172-2864119, Email: - [psic29@punjabmail.gov.in](mailto:psic29@punjabmail.gov.in)  
Visit us: - [www.infocommpunjab.com](http://www.infocommpunjab.com)



**Appeal Case No. 2739 of 2019**

9. However, in the same paragraph the respondent PIO wrongly claimed that “APIO/Concerned Officers of the Municipal Council Zirakpur had appeared in all previous hearing of this case.” A quick perusal of the case file shows that no representative/APIO/Concerned officer of the respondent PIO was present at three successive hearings on 29.8.19, 27.9.19 and 13.11.19.

10. The respondent PIO’s reply also made repeated mention of the fact that the delay noticed by this Commission was misconstrued as the RTI application was received on 9.5.19 and not 21.6.18, as erroneously stated in previous Orders of this Commission. It has now been clarified that 21.5.18 is the date of an application the appellant submitted to the EO Municipal Council Zirakpur, seeking the very information that he was later forced to demand under the RTI Act because he received no reply.

11. At paragraph number 12 of his reply, the respondent PIO tendered his “unconditional apologies” and regretted “the inconvenience caused to this Hon’ble Commission”. Earlier in paragraph eight of his reply, he also apprised this Commission of the fact that he joined as the PIO-cum-EO Municipal Council Zirakpur on 14.8.19, which was some three months after the appellant’s RTI application was first received. In view of this, and the fact that he had sent a reply to the appellant on 6.9.19, he has pleaded to be exempted from the penalty of Rs. 25,000.000 imposed upon him by this Commission vide its Order of 13.11.19.

12. In view of his plea for exemption from the penalty and the fact that the respondent PIO had finally handed over the requested information to the appellant after retrieving this from the contractor – The Bansal L&C Co-operative Society Ltd., this case was referred to the Hon’ble Chief Information Commissioner for being placed before a Double Bench. This was expressly to take a decision on the respondent PIO’s request for a review of the penalty imposed upon him.

13. The respondent PIO’s written submissions were reviewed at today’s hearing. In view of the fact that he has now supplied the information sought by the appellant and other pleas, including that he was not posted as the PIO at the time that this RTI application was filed, and that he did in fact sent a reply to the appellant a month after joining as PIO, we are inclined to be lenient.

14. The penalty imposed upon the respondent PIO is herewith **recalled**, albeit with a warning to him to be more proactive in addressing RTI applications in future.

**(ASIT JOLLY)**  
State Information Commissioner

**(AVTAR SINGH KALER)**  
State Information Commissioner

Chandigarh  
18.3.2020

**CC: PS/Reader to SIC (AJ) for your kind information.**



**DOUBLE BENCH**

**Satish Bahadur Advocate,**  
Chamber No. 121-122, District Courts,  
Fazilka.

Versus

**Public Information Officer,**  
o/o Tehsildar, Fazilka.  
**First Appellate Authority**  
o/o Sub Divisional Magistrate,  
Fazilka.

**Appeal Case No. 2740 of 2019**

PRESENT:

(Appellant) Absent

D.P Pandey, PIO-Cum-Tehsildar (Respondent) 94635-87400

ORDER:

*(To be read in continuity with earlier orders on **29.8.19, 27.9.19, 13.11.19 and 15.1.2020**)*

1. The RTI application is dated **23.7.18** vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (FAA) on **10.9.18** and second appeal was filed in the Commission on **29.7.19** under Section 19 of the Right to Information Act, 2005. The case was last heard on **13.11.19**.

2. This appeal case was first heard on **29.8.19**, when the appellant Satish Bahadur was present but neither the respondent PIO-cum-Tehsildar Fazilka nor any other official deputed by him, appeared. The respondent was notably absent without any intimation to this Commission. However, since it was the first hearing, the respondent PIO was granted another opportunity to be heard, with a direction to retrieve the requested information from the office of the Deputy Commissioner Fazilka and supply copies to the appellant before the next date of hearing.

3. However, the respondent PIO, in evident disregard of this Commission's directions, again failed to appear at the second hearing of this case on **27.9.19**. The respondent PIO was issued a notice directing him to Show Cause as to why a penalty should not be imposed upon him under Section 20(1) of the RTI Act, 2005 for causing willful delay/denial of the information requested by the appellant. He was given an opportunity for a personal hearing before the imposition of such penalty and also duly informed that if he failed to file a written reply to the Show Cause notice and avail himself the opportunity of a personal hearing on the next date of hearing, it would be presumed that he has nothing to say and that the Commission would proceed to take further proceedings against him *ex parte*.

**PUNJAB STATE INFORMATION COMMISSION**  
**Red Cross Building, Near Rose Garden,**  
**Sector 16, Chandigarh.**  
Ph: 0172-2864119, Email: - [psic29@punjabmail.gov.in](mailto:psic29@punjabmail.gov.in)  
Visit us: - [www.infocommpunjab.com](http://www.infocommpunjab.com)



**Appeal Case No. 2740 of 2019**

4. At the next (third) hearing on **13.11.19**, in continuing disregard and apparent defiance of successive Notices/Orders issued by this Commission, the respondent PIO failed to show up and also thereby failed to avail himself of the opportunity granted to him before the imposition of a penalty under Section 20(1) of the RTI Act. Accordingly, this Commission imposed a penalty of Rupees Twenty-five Thousand (Rs. 25,000.00) on the respondent PIO-cum-Tehsildar Fazilka, which was to be deducted from his salary and deposited in the Punjab Government Treasury under the head: "0070-Other Administrative Services-60-Other Services-800-Other Receipts-86-Fees Under the Right to Information Act." A copy of the order was duly marked to the Deputy Commissioner Fazilka and the Sub-Divisional Magistrate Fazilka.

5. At the last hearing on 15.1.2020, the respondent PIO-cum-Tehsildar Fazilka, D.P. Pandey was present in person and submitted a reply stating that the requested information was sent to the appellant Satish Bahadur on 24.12.19. A copy of the respondent PIO's reply to the appellant, appended with the requested information, was also received in this Commission on 13.1.2020.

6. In an earlier visit to the Commission on 12.12.19, after this Bench had imposed the penalty upon him at the last hearing on 13.11.19, the respondent PIO had submitted a written explanation of the overlong delay in addressing the appellant's information requested. He also contended that he had failed to respond to the initial Notice and subsequent Orders issued by this Commission because these were simply not put up to him by his registry clerk:

*"the letter issued by this Court on 29.9.19 and 13.11.19 has neither been received by me and not put up by my registry clerk. These letters were marked by the Naib Tehsildar Fazilka-cum-APIO to the registry clerk to put up but he has never put up these letters to me. I received the letter dated: 13.11.19 in the last week on 3.12.19 through my Deputy Commissioner Fazilka. Then I immediately raided the seat of my registry clerk in his presence and I found the letter and other or kept pending with him. In this regard I have also issued a Show Cause notice on 10.12.2019 which is enclosed as an annexure."*

7. Based on the above enumerated circumstances and the fact that he joined as the PIO-cum-Tehsildar Fazilka only on 1.5.19 (and so did not know of the existence of the RTI application or First Appeal which were both filed in 2018), he requested that the penalty of Rs. 25,000.00 imposed upon him, be waived off. Alternatively, he requested that the penalty be transferred to the officer who received the RTI application as PIO-cum-Tehsildar on 23.7.18.

8. In view of his plea for exemption from the penalty and the fact that the respondent PIO has finally handed over the requested information to the appellant after retrieving this from the office of the DC Fazilka, the case was referred back to the Hon'ble Chief Information Commissioner to be decided by a Double Bench.

**PUNJAB STATE INFORMATION COMMISSION**  
**Red Cross Building, Near Rose Garden,**  
**Sector 16, Chandigarh.**

Ph: 0172-2864119, Email: - [psic29@punjabmail.gov.in](mailto:psic29@punjabmail.gov.in)

Visit us: - [www.infocommpunjab.com](http://www.infocommpunjab.com)



**Appeal Case No. 2740 of 2019**

9. The respondent PIO's written submissions were reviewed at today's hearing. In view of the fact that he has now supplied the information sought by the appellant and also that his plea that the Commission's notices were not put before him, appear genuine, we are inclined to be lenient.

10. The penalty imposed upon the respondent PIO is herewith **recalled**, albeit with a warning to him to be more proactive in addressing RTI applications in future.

**(ASIT JOLLY)**

State Information Commissioner

Chandigarh  
18.3.2020

**(AVTAR SINGH KALER)**

State Information Commissioner

**CC: PS/Reader to SIC (AJ) for your kind information.**