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Sh. Mehar Singh

House No.2064, Sector-68,

S.A.S Nagar. Appellant

Versus

Public Information Officer,

O/o Sub Divisional Magistrate,

S.A.S. Nagar.

First Appellate Authority

O/o Sub Divisional Magistrate,

S.A.S. Nagar Respondents

 **APPEAL CASE NO.3301/2017**

Date of RTI application : 07.11.2016

Date of First Appeal : 24.10.2017

Date of Order of FAA : Reply 20.07.2017

Date of 2nd Appeal/complaint :15.11.2017

**Present:** Sh. Mehar Singh, Appellant in person.

Sh. Jarnail Singh, Section Officer, SDM Office, Mohali – for Respondents.

**ORDER**

 The appellant is seeking to know the outcome of an enquiry being conducted by SDM, Mohali into a complaint of forgery of a SC certificate to procure a plot reserved for the S.C. Category in some scheme of PUDA.

 The proxy of the respondents says that the dealing official and the PIO are busy in some urgent administrative affair. He requests for an adjournment. The request is acceded with the condition that no further opportunity shall be afforded. Meanwhile they should provide him the information expeditiously, in any case well before the next date of hearing positively.

 To come up on **05.06.2018 at 11.30 AM.**

 **Sd/-**

**19.04.2018** **(Yashvir Mahajan)**

 **State Information Commissioner**

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Sh. Jasbir Singh

S/o Sh. Sant Singh,

V &P.O. Sohana,

Tehsil & Distt. S.A.S Nagar. Appellant

Versus

Public Information Officer,

O/o Senior Superintendent of Police,

S.A.S Nagar

First Appellate Authority

O/o Inspector General of Police,

Zone-1,Patiala. (Punjab) Respondents

 **APPEAL CASE NO.3314 /2017**

Date of RTI application : 25.07.2017

Date of First Appeal : 25.10.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 27.11.2017

**Present:** Sh. Jasbir Singh, Appellant in person.

HC Sahib Singh (No.832), Thana Sohana, Mohali – for Respondents.

**ORDER**

 The appellant had sought an information concerning the complaint made against him by one Sh. Sunder Lal. He had sought a copy of the summons (Parvana) sent to him by the concerned police station. HC Sahib Singh appearing on behalf of the respondents says that the information was provided to him and they have enclosed an acknowledgement issued by the appellant as a proof of having received the information.

 The appellant submits that incomplete information was given to him and he was verbally assured by the respondents to furnish the rest of information as well. The respondent assures the Commission that the residual information as has been pointed out by the appellant shall also be given to him shortly. They should do it promptly.

 The matter shall be reheard on **05.06.2018 at 11.30 AM.**

 **Sd/-**

**19.04.2018** **(Yashvir Mahajan)**

 **State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

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Sh. Navkiran Singh & Associates Advocate,

House No.516, Sector-11-B,

Chandigarh Appellant

Versus

Public Information Officer,

O/o Department of Home, Punjab Civil Sectt.-2,

Sector-9, Chandigarh

First Appellate Authority

O/o Home Secretary, Govt. of Punjab,

Punjab Civil Sectt.-2, Sector-9,

Chandigarh Respondents

 **APPEAL CASE NO.3318/2017**

Date of RTI application : 17.05.2017

Date of First Appeal : 04.08.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :22.11.2017

**Present:** None on behalf of the Appellant.

1. Sh. Varun Kumar, Sr. Assistant, Home III Br.,

 2. Smt. Paramjit Kaur, Jr. Assistant, DGP Office, Pb., and

 3. ASI Balwinder Kumar, RTI Br., DCP Office, Jalandhar – for Respondents.

**ORDER**

 Heard.

 The appellant is not present. No written submission has also been filed despite the issue of notice. What transpires is that the appellant had sought to know the outcome of an application filed by his clients for compassionate employment following the death of their uncle who was a government employee.

 The respondents have informed the appellant that their application has been filed as his clients are not covered under the framework of the policy instructions issued by the Government on the subject.

 The Commission feels that appropriate information has been supplied to the appellant. As he is absent without notice the Commission is inclined to believe that he is satisfied with the information thus stated to have been provided. No further action seems called for.

 **Disposed.**

 **Sd/-**

**19.04.2018** **(Yashvir Mahajan)**

 **State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

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Sh. Jasbir Singh,

Village Bholapur Jhabewal,

Post Office Ramgarh,

Distt. Ludhiana Appellant

Versus

Public Information Officer,

O/o Commissioner,

Municipal Corporation,

Ludhiana

First Appellate Authority

O/o Commissioner,

Municipal Corporation,

Ludhiana Respondents

 **APPEAL CASE NO.3340/2017**

Date of RTI application : 21.08.2017

Date of First Appeal : 22.09.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 21.11..2017

**Present: None.**

**ORDER**

 None is present on behalf of the Parties.

 The matter is adjourned to be heard on **05.06.2018 at 11.30 AM.**

 **Sd/-**

**19.04.2018** **(Yashvir Mahajan)**

 **State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

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Sh. Jasbir Singh,

Village Bholapur Jhabewal,

Post Office Ramgarh,

Distt. Ludhiana Appellant

Versus

Public Information Officer,

O/o Commissioner,

Municipal Corporation,

Ludhiana

First Appellate Authority

O/o Commissioner,

Municipal Corporation,

Ludhiana Respondents

 **APPEAL CASE NO.3341/2017**

Date of RTI application : 21.08.2017

Date of First Appeal : 22.09.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint 21.11.2017

**Present:** None on behalf of the Appellant.

Sh. Harjit Singh, Draftsman, Drawing Br., Zone ‘D’, MC office, Ludhiana – for Respondents.

**ORDER**

 The appellant is not present. Sh. Harjit Singh appearing on behalf of the respondents says that it relates to the Advertisement branch of the Corporation. The Commission directs the concerned PIO to arrange to provide him the information well before the next date of hearing.

 To come up on **05.06.2018 at 11.30 AM.**

 **Sd/-**

**19.04.2018** **(Yashvir Mahajan)**

 **State Information Commissioner**

**CC: The PIO, O/o Municipal Corporation, Advertisement Branch, Ludhiana for n/a.**

**PUNJAB STATE INFORMATION COMMISSION**

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Sh. Jasbir Singh,

Village Bholapur Jhabewal,

Post Office Ramgarh,

Distt. Ludhiana Appellant

Versus

Public Information Officer,

O/o Director, Vigilance Bureau, Punjab,

SCO No. 60-61, Sector-17-D,

Chandigarh

First Appellate Authority

O/o Director, Vigilance Bureau, Punjab,

SCO No. 60-61, Sector-17-D,

Chandigarh Respondents

 **APPEAL CASE NO.3342/2017**

Date of RTI application : 21.08.2017

Date of First Appeal : 21.09.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 21.11.2017

**Present:** None on behalf of the Appellant.

 1. SI Avtar Singh, RTI Incharge, O/o Director, Vigilance Bureau, and

 2. Constable Anil Rattan, O/o Director, Vigilance Bureau – for Respondents.

**ORDER**

 The appellant is not present. In their written statement filed on 08.01.2018 the respondents have submitted that the enquiry against. Sh. Navdeep Singh, Tehsildar, Jalandhar is under process. The information at this stage cannot be shared as it is insulated by virtue of the provisions of Section 8(1)(g) and (h) of the RTI Act. The appellant may like to file a rejoinder on the submissions made by the respondents.

 To come up on **05.06.2018 at 11.30 AM.**

 **Sd/-**

**19.04.2018** **(Yashvir Mahajan)**

 **State Information Commissioner**

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Sh. Jasbir Singh,

Village Bholapur Jhabewal,

Post Office Ramgarh,

Distt. Ludhiana. Appellant

Versus

Public Information Officer,

O/o Commissioner,

Municipal Corporation,

Ludhiana

First Appellate Authority

O/o Commissioner,

Municipal Corporation,

Ludhiana. Respondents

 **APPEAL CASE NO.3352/2017**

Date of RTI application : 14.08.2017

Date of First Appeal : 14.09.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint 21.11.2017

**Present:** None on behalf of the Appellant.

Sh. Harjit Singh, Draftsman, Drawing Br., Zone ‘D’, MC office, Ludhiana – for Respondents.

**ORDER**

 Sh. Harjit Singh appearing on behalf of the respondents has conveyed in writing that the appellant has received the information and he is no more interested to pursue the matter.

  **Disposed.**

  **Sd/-**

**19.04.2018** **(Yashvir Mahajan)**

 **State Information Commissioner**

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Sh. Jasbir Singh,

Village Bholapur Jhabewal,

Post Office Ramgarh,

Distt. Ludhiana. Appellant

Versus

Public Information Officer,

O/o Senior Superintendent of Police,

Vigilance Bureau, Patiala.

First Appellate Authority

O/o Senior Superintendent of Police,

Vigilance Bureau, Patiala. Respondents

 **APPEAL CASE NO.3355/2017**

Date of RTI application : 14.08.2017

Date of First Appeal : 14.09.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 21.11.2017

**Present:** None on behalf of the Appellant.

 1. ASI Ram Sarup, O/o SSP Vigilance (Economic Offences Wing), Patiala,

 2. HC Mandeep Singh, Vigilance Range, Office, Patiala – for Respondents.

**ORDER**

 The appellant is absent. The respondents have filed a written statement in which a plea has been taken that the information cannot be shared as the same is under process. The defence is vague. The respondents should specify under which provision of law they are seeking exemption. They are advised to file a revised reply in accordance with above observations. It is noted that the issue relates to the office of Superintendent of Police, Economic Offences Wing, Patiala, and it is they who should be necessary party in this case. The PIO in the office of SSP, Vigilance Range, Patiala is exempted from future hearings.

 To come up on **05.06.2018 at 11.30 AM.**

 **Sd/-**

**19.04.2018** **(Yashvir Mahajan)**

 **State Information Commissioner**

**CC: The Superintendent of Police, (Economic Offences Wing), Patiala for necessary compliance.**

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Sh. Jasbir Singh,

Village Bholapur Jhabewal,

Post Office Ramgarh,

Distt. Ludhiana. Appellant

Versus

Public Information Officer,

O/o Commissioner,

Municipal Corporation,

Ludhiana

First Appellate Authority

O/o Commissioner,

Municipal Corporation,

Ludhiana. Respondents

 **APPEAL CASE NO.3356/2017**

Date of RTI application : 14.08.2017

Date of First Appeal : 14.09.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :21.11.2017

**Present:** None on behalf of the Appellant.

Sh. Harjit Singh, Draftsman, Drawing Br., Zone ‘D’, MC office, Ludhiana – for Respondents.

**ORDER**

 Sh. Harjit Singh appearing on behalf of the respondents has conveyed in writing that the appellant has received the information and he is no more interested to pursue the matter.

  **Disposed.**

 **Sd/-**

**19.04.2018** **(Yashvir Mahajan)**

 **State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

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Sh. Kuldip Kumar,

S/o Sh. Shayam Lal,

R/o Village Togan, P.O. Tira,

Tehsil Kharar, Distt. S.A.S.Nagar. Appellant

Versus

Public Information Officer,

O/o Deputy Commissioner,

S.A.S. Nagar.

First Appellate Authority

O/o Deputy Commissioner,

S.A.S. Nagar Respondents

 **APPEAL CASE NO.3369/2017**

**[**

Date of RTI application : 04.08.2017

Date of First Appeal : 16.10.2017

Date of Order of FAA : Reply 29.09.2017

Date of 2nd Appeal/complaint :20.11.2017

**Present:** Sh. Kuldip Kumar, Appellant in person.

1. Sh. Ramesh Lal, Sr. Assistant, DC office, Mohali,

 2. Sh. Navjot Tiwari, Sadar Kanungo, DC office, Mohali – for Respondents.

**ORDER**

 Aggrieved with an order passed by Tehsildar, Kharar in partition proceedings allegedly to his detriment, he has filed the second appeal in hand. He claims to have bought a property. His name does not figure in the list of owners of the property in contention. He is pleading with the Commission for the revenue record.

 It is a quasi-judicial matter and orders passed by a competent authority under the Revenue Laws can only be challenged before the Appellate Authority designated under the relevant law.

 The Commission finds that the documents related to the property and the partition proceedings have not been supplied to him so that he can proceed to challenge the impugned orders and secure his right. The Commission directs the respondents to arrange to provide him the requisite certified copies of the documents so that he can approach the appropriate authority and file an appeal.

 To come up on **05.06.2018 at 11.30 AM.**

 **Sd/-**

**19.04.2018** **(Yashvir Mahajan)**

 **State Information Commissioner**

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Sh. Satish Chander,

Supdt. Special Branch -3,

Punjab Police Intelligence Headquarter,

Sector-17, Chandigarh Appellant

Versus

Public Information Officer,

O/o Addl. Chief Secretary to Govt. of Punjab,

Room No. 327, 3rd Floor

Department of Home Affairs. ( Home -4 Br.),

Punjab Civil Sectt.-2, Sector-9, Chandigarh

First Appellate Authority

O/o Addl. Chief Secretary to Govt. of Punjab,

Department of Home Affairs. ( Home -4 Br.),

Punjab Civil Sectt.-2, Sector-9, Chandigarh Respondents

 **APPEAL CASE NO.3382/2017**

Date of RTI application : 01.09.2017

Date of First Appeal : 06.10.2017

Date of Order of FAA : Reply 23.10.2017

Date of 2nd Appeal/complaint :14.11.2017

**Present:** None on behalf of the Appellant.

1**.** Sh. Rashni Kumar, Superintendent, Home IV Br.,

 2. Sh. Mohan Singh, Sr. Assistant, Home IV Br.. Pb. Civil Sectt., Chd. – for Respondents.

**ORDER**

Heard.

 What transpires is that the appellant is a disgruntled retired government official. He is seeking relief against an order of a competent authority passed in disciplinary proceedings in a case of alleged sexual harassment whereby a couple of his increments have been stopped. The perusal of his original application suggests that he is seeking answers to his queries and explanations for the decisions taken by the officials of Public Authority.

 The Commission observes that it is not a grievance redressal forum. If the Contd..page…2

 -2-

**APPEAL CASE NO.3382/2017**

appellant is aggrieved with the aforesaid order he should file an appeal with the competent authority

or approach a competent Civil Court to seek redressal. His appeal cannot be considered a valid requisition under Section 6(1) of the Act which is **disposed** accordingly.

 **Sd/-**

**19.04.2018** **(Yashvir Mahajan)**

 **State Information Commissioner**

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Sh. Manish Tonk,

House No.2961, Ward No.9,

Kharar Complainant

Versus

Public Information Officer,

O/o Senior Superintendent of Police,

S.A.S Nagar. Respondents

 **COMPLAINT CASE NO.1300/2017**

Date of RTI application : 01.08.2017

Date of First Appeal : Nil

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :21.11.2017

**Present:** Sh. Manish Tonk, Complainant in person.

HC Raj Kumar, Police Station (City), Kharar – for Respondents.

**ORDER**

 The complainant had sought a copy of complaint filed by him on the basis of which an FIR was lodged in the case of an offence of a child marriage.

 HC Raj Kumar appearing on behalf of the respondents expresses his ignorance about the facts of the case. The PIO in the office of the Sr. Superintendent of Police, SAS Nagar is hereby directed to arrange to provide him the information sought for and file a written submission on the above score before the next date of hearing positively.

 To come up on **05.06.2018 at 11.30 AM.**

 **Sd/-**

**19.04.2018** **(Yashvir Mahajan)**

 **State Information Commissioner**

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Sh. Inderjeet Singh, Advocate

R/o Sunder Nagar, St.No.3,1st Crossing

Hanumangarh Road, Abohar.

Distt. Fazilka. Appellant

Versus

Public Information Officer,

O/o Special Secretary to Govt of Punjab,

Department of Home Affairs & Justice,

Punjab Civil Sectt.-II, Sector-9,

Chandigarh

First Appellate Authority

O/o Secretary to Govt. of Punjab

Department of Home Affairs & Justice,

Punjab Civil Sectt.-II, Sector-9,

Chandigarh Respondents

 **APPEAL CASE NO.2559/2017**

Date of RTI application : 03.07.2017

Date of First Appeal : 03.08.2027

Date of Order of FAA : 06.09.2017

Date of 2nd Appeal/complaint :11.09.2017

**Present:** Adv. Inderjeet Singh, Appellant in person.

 Sh. P.S.Bajwa, Additional Advocate General, Punjab – for Respondents.

.

**ORDER**

The following order was passed by this forum on 15.11.2017:

 *“Having been aggrieved with non-receipt of information with reference to his application dated 03.07.2017 filed under Section 6(1) of the Act and non-favourable decision from the First Appellate Authority, the appellant has filed the second appeal with the Commission.*

 *The information primarily has been denied by invoking Section 8(1) (e) of the Act. The legal provision in the opinion of this forum has been incorrectly invoked. They simultaneously allude it to concern the third party. In the scenario the Respondents should have followed the procedure laid down under Section 11 of the Act. The response of the respondents thus is not in consonance with the law. The respondents are directed to take recourse to the procedure laid down Contd…page…2*

 *-2-*

***APPEAL CASE NO.2559/2017***

*under Section 11 in seeking the opinion of the persons to whom the information belong and thereafter take appropriate decision on merit and convey it to the appellant within three weeks from today positively.”*

 The case has come up today. It transpires that the directions passed in the aforesaid order to follow the procedure prescribed under Section 11 of the Act stand already complied with. It is the opinion of the respondents that the above order of the Commission is in the nature of remanding it to the PIO and that being the fait-accompli he should file a first appeal with the First Appellate Authority. It is learnt that the information has been denied to him in the order passed by the First Appellate Authority as well. As a sequel to the aforesaid proceedings, the respondents have informed the appellant of the stance in writing vide a memo dated 17.08.2017 a copy of which has been provided to the Commission also which has been taken on record. The appellant may like to respond to it in writing in case he desires so under endorsement to the Commission.

 To come up for arguments on **24.05.2018 at 11.30 AM.**

 **Sd/-**

**19.04.2018 (Yashvir Mahajan)**

 **State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

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Sh. Sandeep Tomar,

S/o Sh. Mangal Singh

C/o A-136 (MIG), Near Andha Kua Barra-8,

Kanpur -208027 Complainant

Versus

Public Information Officer,

O/o Assistant Chemical Examiner,

Chemical Laboratory, Kharar

Distt. S.A.S. Nagar. Respondent

**COMPLAINT CASE NO.1010/2017**

Date of RTI Application : 08.05.2017 Date of First Appeal : Nil

 Date of letter of FAA : Nil

 Date of Second Appeal : 11.09.2017

**Present:** None on behalf of the Complainant.

 Sh. Lov Kumar, Medical Lab. Technician Grade, Kharar Chemical Lab. – for Respondent.

**ORDER**

 It shall be appropriate to reproduce the order passed by this forum on 19.12.2017:

 *“The Commission had observed on 14.11.2017 as under:*

 *“The complainant seeks an exemption from appearance as he is indisposed.*

 *The complainant had sought a report from the respondent about the analysis report of viscera examination of the deceased Smt. Shweta Singh wife of Sh. Sandeep Tomar and allied information.*

 *The respondent submits in a written reply that the information was sent to the Superintendent, Central Jail, Ferozepur on 18.04.2017. The perusal of the record suggests that it does not satisfy the requisition made in the application of the complainant.*

 *The Commission directs the respondent to dispatch the admissible information to the complainant under intimation to the Commission before the next date of hearing positively.”*

 Contd… page…2

 -2-

**COMPLAINT CASE NO.1010/2017**

 *“The case has come up today.*

 *Sh. Lov Kumar, Lab. Tech. appearing on behalf of the respondent submits that in compliance with the directions the information was dispatched under registered cover to the complainant on 21.11.2011. The complainant may like to react on the submissions thus made by the respondent.”*

 The case has come up today. Sh. Lov Kumar appearing on behalf of the respondents submits that the information has been provided to the complainant.

 The complainant is absent. Nothing has been heard from him as well. Seemingly, he is satisfied with the information thus provided. No malafide to withhold the information has been attributed as well. The complaint is **filed.**

 **Sd/-**

**19.12.2017 ( Yashvir Mahajan )**

 **State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

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Sh. Ashok Kumar,

S/o Sh. Ajmer Gir,

Village Chandpur P.O. Sialba,

Tehsil Kharar, Distt. S.A.S.Nagar. Appellant

Versus

Public Information Officer,

O/o Block Development & Panchayat Officer,

Block Majri P.O. Sialba , Tehsil Kharar,

Distt. S.A.S.Nagar

First Appellate Authority

O/o Block Development & Panchayat Officer,

Block Majri, P.O. Sialba , Tehsil Kharar,

Distt. S.A.S.Nagar Respondents

 **APPEAL CASE NO.1225/2017**

Date of RTI Application : 10.02.2017 Date of First Appeal : 10.03.2017

 Date of Order of FAA : Nil

 Date of Second Appeal : 04.05.2017

**Present:** None.

**ORDER**

 It is a long standing case. A couple of orders passed earlier are desirable to be reproduced hereunder so as to take the things in perspective:

  **Order dated 28.11.2017**

 “*The following order was passed on 26.10.2017:*

 *“Heard.*

 *The following order was made by this forum on 05.09.2017:*

 *“The Commission had observed on 27.07.2017 as under:-*

 *“We had observed on 22.06.2017 as under:-*

 *“The Commission takes a strong exception to the indifferent attitude of the respondents as neither they have filed a written reply on the notice issued by the Commission nor anyone is present.*

 *Another opportunity is afforded to the respondents to provide the information to the appellant under intimation to the Commission.”*

 *Contd…page…2*

 *-2-*

***APPEAL CASE NO.1225/2016***

 *Despite our express order the PIO is neither present nor he has filed reply to the notice issued by the Commission. Logical corollary is that they have refused the information in terms of Section 7(2) of the RTI Act and thus rendered themselves liable for penal action. Smt. Dilawar Kaur, BDPO – cum – PIO, 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 her for causing willful delay / denial of the information to the RTI applicant and why the compensation be not awarded to the appellant 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. She may take note that in case she does not file her written reply and does not avail herself of the opportunity of personal hearing on the date fixed, it will be presumed that she has nothing to say and the Commission shall proceed to take further proceedings against her ex parte.”*

 *“Sh. Surinder Pal Singh, Panchayat Secretary is present. He submits that the RTI appeal emanates from a long dispute between the panchayat and other inhabitants of the village over alleged illegal occupation of shamlat land. Numerous writ petitions have been filed in the Punjab & Haryana High Court, Chandigarh concerning the issue. The instant application is intended to harass the Public Authority as huge and voluminous information has been sought.*

 *Be that as it is the respondents are directed to allow the access of the record to the appellant by way of inspection on a pre-fixed date and time and arrange to provide him the certified copies of the documents thus identified by him free of charge forthwith. Outer limit of the extent of documents is fixed as 250.”*

 *“The case has come up today for hearing. Despite the express orders issued on couple of occasions Smt. Dilawar Kaur, BDPO – cum - PIO has shown scant respect to the directions Contd…page…3*

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*issued earlier. Sh. Surinder Pal Singh, Panchayat Secretary reportedly has refused the inspection of the record. The Commission takes it as willful denial as earlier. The matter cannot be taken lying down by the Commission.*

 *Smt. Dilawar Kaur, PIO – cum – BDPO, Block Majri and Sh. Surinder Pal Singh, Panchayat Secretary, Block Majri are directed to come in person on the next date of hearing along with the entire record failing which their presence shall be ensured by issuing a bailable warrant of arrest and they shall be liable for the penal consequences as envisaged under the RTI Act.”*

 *“The case has been taken up today. Despite numerous orders the respondents are defiant. They have failed to comply with the orders passed by the Commission on the aforesaid hearings. The Commission takes it as a willful and blatant violation of the RTI Act. The perusal of the aforesaid proceedings shall reveal a stubborn stance on the part of the respondents. The Commission had allowed them to part with only 250 pages keeping in view the voluminous demand of the appellant. However, the respondents have not even complied with that.*

 *The original application was filed on 10.02.2017. The delay is beyond 100 days. In the face of the fact that no response whatsoever to the application and various directions of the Commission has been given the Commission is convinced that the respondents have no intention to comply with the orders of the Commission in terms of the RTI Act.*

 *The conduct of Sh. Surinder Pal Singh, Panchayat Secretary who is custodian of record and was forwarded the application under Section 6(3) of the Act, is a deemed PIO. He is equally reprehensible. He is not only defiant but also disrespectful to the Court. The delay caused by him is far beyond 100 days. He is liable to be imposed penalty for his willful default. Accordingly he 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 Appellant under Section 19 (8) (b) of the Act for the detriment suffered by him.*

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 *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 orders passed earlier to provide the information have to be complied with. They are hereby desired to bring along the entire record in the Commission on the next date of hearing so that it could be got inspected by the appellant.”*

 ***Order dated 26.12.2017***

 ***“****This is in continuation of order passed on 28.11.2017.*

 *The parties are present. The appellant has inspected the record and certified copies to the extent of 270 pages have been handed over on spot to the appellant. A couple of queries have also been answered. The Respondents say that by inadvertence they could not bring along measurement books. The same shall be got inspected and the copies thereof delivered before the next date of hearing positively.”*

The case has come up today. It is likely that the order passed by this forum on 26.12.2017 has been complied. The information stands provided. The respondents had regretted the delay and has pleaded that the same is not due to any malafide reasons. In view of the same show cause notice is dropped and his appeal is **closed.**

 **Sd/-**

**19.04.2018 (Yashvir Mahajan)**

 **State Information Commissioner**