

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,
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Sh. Kuldip Kumar,
S/o Sh. Mahinder Ram,
Vill: Jagatpur Jatta,
Tehsil: Phagwara,
Distt: Kapurthala.

.....Appellant

Vs

Public Information Officer,
Block Development and Panchayat Officer,
Phagwara, District- Kapurthala.

First Appellate Authority
Deputy Commissioner,
District- Kapurthala.

.....Respondent

Appeal Case No. 2625 of 2019

(Video Conference Proceedings)

Present:- Shri Kuldeep Kumar, appellant.

Shri Sukhpreet Singh, Block Development and Panchayats Officer,
Phagwara-cum-PIO on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 25.09.2019 vide which the appellant was advised to go through the information comprising of 483 pages supplied to him by the respondents.

2. The appellant states that he has received complete information to his satisfaction and does not want to pursue the matter any further. He further requests that the instant case may be disposed of and closed.

3. In view of the request of the appellant, the present case is disposed of and closed. Copies of the order be sent to the parties.

Dated : 19.11.2019

Sd/-
(**Suresh Arora**)
Chief Information Commissioner
Punjab

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Smt Daljit Kaur
R/o Dhulkot Road,
Dashmesh nagar,
Ahmedgarh,
District Sangrur

.....Complainant

Vs

Public Information Officer,
o/o Sub Divisional Magistrate,
Raikot, District Ludhiana

.....Respondent.

Complaint Case No.559 of 2019

(Through Video Conference Proceedings)

Present:- Shri Sukhdeep Singh Buttar on behalf of the complainant.
None on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 22.10.2019 vide which Show Cause Notice was issued to Shri Bhupinder Singh for not appearing and for not supplying the information to the complainant under Section 20 of the RTI Act, 2005. He has failed to file his written submissions and avail of opportunity of personal hearing. A copy of the previous order was sent to Shri Bhupinder Singh, Assistant Collector, Raikot, Sub Divisional Magistrate, Raikot, Sub Divisional Magistrate, Raikot and Deputy Commissioner, Ludhiana for ensuring the presence of the PIO.

2. The representative of the complainant states that no information has been provided to the information-seeker till date.

3. The respondent-PIO was absent on 22.08.2019, 24.09.2019 & 22.10.2019 and today Shri Jaswinder Tiwana, Tehsildar, Raikot, District Ludhiana-cum-present PIO is absent without any intimation.

4. The perusal of the file and the conduct of the respondent-PIO compelled the Commission to issue him a formal show cause notice as to why action under Section 20(1) of the RTI Act 2005 should not be taken against him and he was also provided an opportunity to file his written reply and also make use of opportunity of personal hearing under the principles of natural justice.

5. Since the responsibility to ensure the timely transmission of the information to the complainant lies on PIO, Shri Bhupinder Singh, Assistant Collector, Raikot, District Ludhiana-cum-PIO is hereby held guilty for not providing the information on time as prescribed under Section 7 of the RTI Act, 2005, which is within 30 days of the receipt of the request, and for repeated and willful defiance of the Punjab State Information Commission's order.

6. Such kind of failure on the part of the respondent-PIO is totally unacceptable. It is pertinent to mention here that RTI Act has been enacted to ensure participative nature of management between the public & the public authorities and also to know as to what is happening behind the closed doors with regard to the governance affairs of the public authorities and their functioning.

Contd.....p/2

6. After giving thoughtful consideration and due perusal of the facts of the case and the material available on record, I have come to the conclusion that PIO has failed to perform his duty as per the mandate of RTI Act which requires the public servant to ensure due transparency and accountability in its functioning. It has also come out that he has not only failed to perform his duty at his own level but also has shown his casual approach in complying with the explicit order of the Commission.

7. It has been further established from his conduct that he has failed to provide the information even after getting the formal show cause notice from the Commission. This speaks volumes as to how much respect & regard he has in his mind to the provisions of the RTI Act, which mandates that all public authorities will ensure that RTI Act, 2005 is duly implemented by them, whenever any citizen approaches the public authority to get any public information for which they have right to ask for as per the provisions of RTI Act. In view of the facts mentioned herein, I am of the considered view that Shri Bhupinder Singh, Assistant Collector, Raikot, District Ludhiana-cum-PIO should be penalised for his negligence in discharge of his statutory duty prescribed under RTI Act. His failure to discharge his lawful duty makes me believe that his sheer neglect to perform his duties will be met only after he is duly taken to task as per the provisions of RTI Act i.e Section 20(1) which provides that any delay on the part of the respondent-PIO beyond 30 days is to be penalized @ 250/- per day and to the maximum of Rs. 25,000/-

8. Under these circumstances, I am left with no other option but to decide the question of imposition of penalty and quantum thereof upon Sh. Bhupinder Singh, Assistant Collector, Raikot, District Ludhiana-cum-PIO as per the provisions of the RTI Act i.e. Section 20(1) of the RTI Act, 2005. In this case the intervening period is too large, the respondent-PIO failed to comply with the order of the Commission. Accordingly, a penalty of Rs. 10000/- (Rupees Ten thousand only) is imposed on him.

9. The amount of penalty i.e. Rs. 10000/- (Rupees Ten Thousand only) should be deducted from his salary in four equal monthly installments and be deposited in the Government treasury under head **"0070-Other Administrative Services-60-Other Services-800-Other Receipts-86-Fees under the Right to Information Act**. The Sub Divisional Magistrate, Raikot, District Ludhiana/Deputy Commissioner, Ludhiana shall ensure that this amount of penalty is deducted from the salary of the above said defaulting official from the month of November, 2019 onwards and deposited in the Treasury under the relevant head and sent compliance report to the Commission.

10. Absence of Shri Jaswinder Tiwana, Tehsildar, Raikot, Distt. Ludhiana, who is the present PIO, is also viewed seriously. Video Conference Facility was introduced for convenience of general public and for government officials. Shri Jaswinder Tiwana was the PIO at the time of filing of application dated 22.04.2019 for seeking information, but he failed to take appropriate action on the application of the complainant at the relevant time. He is contacted on telephone during the hearing, who has told the office of the Commission that he has joined about one month back to this posting. He has also failed in supplying the information since he rejoined the new posting. Viewing the absence of the Shri Jaswinder Tiwana, Tehsildar, Raikot (Ludhiana) seriously, he is, thus, issued a show cause notice to explain in a self-attested

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affidavit as to why a penalty @ Rs.250/- per day of delay subject to a maximum of Rs.25000/- 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.

11. In addition to the written reply, the present 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.

12. The present respondent-PIO is directed to intimate the complainant after taking appropriate action on the application dated 22.04.2019 with a copy to the Commission before the next date of hearing.

13. To come up on 5.12.2019 at 11.00 A.M. at Chandigarh.

Dated : 19.11.2019

Sd/-
(**Suresh Arora**)
Chief Information Commissioner
Punjab

CC

1. Shri Bhupinder Singh,
(Former Assistant Collector, Raikot, District Ludhiana)
Tehsildar, Ahmedgarh, District Ludhiana..
2. Shri Jaswinder Tiwana,
Tehsildar, Raikot, District Ludhiana.
3. The Sub Divisional Magistrate,
Raikot, District Ludhiana.
4. The District Revenue Officer, Ludhiana.
5. The Deputy Commissioner, Ludhiana (by name). for information and to ensure the presence of PIO or his representative on the next date of hearing.

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Sh. Swaran Singh
S/o Sh. Mohinder Singh,
R/o Vill. Jainpur,
Tehsil & District- Ludhiana.

.....Complainant

Vs

Public Information Officer,
O/o Panchayat Secretary, Jainpur,
C/o Block Development & Panchayat Officer,
Block- Ludhiana-I,
District- Ludhiana.

.....Respondent

Complaint Case No. 841 of 2019

Present:- Shri Sawaran Singh, complainant.
None on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 22.10.2019 vide which the respondent-PIO was directed to appear on the next date of hearing and intimate the complainant after taking appropriate action on his application under the provisions of RTI Act, 2005.

2. The complainant states that no information has been provided to him till date.
3. The respondent was absent on 22.10.2019 and he is again absent today without any intimation. Video Conference Facility was introduced for convenience of general public and for government officials. Viewing the absence of the Shri Baldev Singh, Panchayat Secretary-cum-PIO o/o Block Development and Panchayats Officer, Block Ludhaina-1 seriously, the PIO is, thus, 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 a maximum of Rs.25000/- till the complete information is furnished, be not imposed under

Contd.....p/2

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Section 20(1) of RTI Act, 2005 on his for causing willful delay/denial of the information to the RTI applicant.

4. 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.

5. To come up on 5.12.2019 at 3.30 P.M. to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Ludhiana.

Sd/-

Dated : 19.11.2019

(**Suresh Arora**)
Chief Information Commissioner
Punjab

CC

1. Shri Baldev Singh,
Panchayat Secretary,
o/o Block Development and Panchayats Officer,
Block Ludhiana-1.
2. Block Development and Panchayats Officer,
Ludhiana.-1 to ensure the present of PIO
3. The Deputy Commissioner, Ludhiana (By name) for information and to ensure the presence of PIO or his representative during the Video Conference proceedings in future.

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Sh. Tarlochan Singh Sethi,
Advocate,
Dr. Nand Lal Street, Railway Road,
Doraha, District Ludhiana.

.....Appellant

Vs

Public Information Officer,
o/o A.O., Municipal Council,
Doraha, District Ludhiana.

First Appellate Authority,
o/o Executive Officer,
Municipal Council, Doraha, District Ludhiana.Respondent

Appeal Case No. 2894 of 2019

Present:- None on behalf of the parties.

ORDER

This order may be read with reference to the previous order dated 22.10.2019 vide which the respondents were directed to seek objections of third party (whose information is being sought) under Section 11 read with Section 8(1)(j) of the RTI Act. After the receipt of objections from third party, the PIO was directed to pass speaking order, whether sought for information could be supplied or not.

2. The appellant is absent without intimation.

3. The respondents are absent without intimation. Last opportunity is afforded to the respondents to pass speaking order after receipt of the objections from third parties before the next date of hearing failing which punitive action will be initiated against the respondents under the provisions of the RTI Act, 2005.

4. To come up on 5.12.2019 at 3.30 P.M. to be heard through video conference facility available in the office of the Deputy Commissioner, Ludhiana.

Dated : 19.11.2019

Sd/-
(**Suresh Arora**)
Chief Information Commissioner
Punjab

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Sh Jagdeep Singh,
S/o Sh. Pritam Singh,
Village-Hera, Tehsil-Raikot,
Distt.- Ludhiana.

.....Appellant

Vs

Public Information Officer,
O/o Panchayat Secretary, Gram Panchayat,
Village-Hera, Tehsil-Raikot,
Distt.- Ludhiana.

First Appellate Authority,
O/o District Development and Panchayat Officer,
Mini Secretariat, District- Ludhiana.

.....Respondents

Appeal Case No. 3235 of 2019

Present:- Shri Jagdeep Singh, appellant.

Shri Gurdeep Singh, Panchayat Secretary through video conference facility at Ludhiana and Ms. Satya Devi, Senior Assistant o/o Director Rural Development and Panchayats, Punjab, Mohali on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 22.10.2019 vide which a penalty of Rs.25000/- was imposed on Shri Gurdeep Singh, Panchayat Secretary-cum-PIO to be deducted from his salary and an amount of Rs.5000/- was awarded to the appellant to be paid from the government treasury in favour of the appellant.

2. Smt. Satya Devi, Senior Assistant, places on record a copy of charge sheet dated 18.11.2019 directing the guilty official to file his written submissions within fifteen days failing which exparte decision will be taken.

Contd.....p/2

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3. The respondent-PIO states that he has sent complete information to the appellant by post and he has also brought a copy of the information, said to have been sent to the appellant by post, to be handed over to the appellant during the hearing.

4. The appellant states that no information has been received from the respondents said to have been sent to him by post. He is advised to take the information from the respondent-PIO and send deficiencies in the information after its perusal with a copy to the Commission. The respondent-PIO is directed to send his written explanation in response to the previous orders dated 7.10.2019 and 22.10.2019 before the next date of hearing.

5. To come up on 5.12.2019 at 11.00 A.M. at Chandigarh for further proceedings in the case.

Dated : 19.11.2019

Sd/-
(**Suresh Arora**)
Chief Information Commissioner
Punjab

CC

1. Shri Gurdeep Singh, Panchayat Secretary, c/o Block Development and Panchayats Officer, Raikot district Ludhaina.
2. The District Development and Panchayats Officer, Ludhaina.
3. The Deputy Commissioner, Ludhiana.
4. The Director Rural Development and Panchayats Punjab, Vikas Bhawan, Mohali.

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Sh. Jodhpal Singh,
S/o Sh. Major Singh,
Village-Hera, Tehsil-Raikot,
Distt.- Ludhiana.

.....Appellant

Vs

Public Information Officer,
O/o Panchayat Secretary, Gram Panchayat,
Village-Hera, block-Sudhar,
Distt.- Ludhiana.

First Appellate Authority,
O/o District Development and Panchayat Officer,
Mini Secretariat, District- Ludhiana.

.....Respondents

Appeal Case No. 3236 of 2019

Present:- Shri Jagdeep Singh, appellant.

Shri Gurdeep Singh, Panchayat Secretary through video conference facility at Ludhiana and Ms. Satya Devi, Senior Assistant o/o Director Rural Development and Panchayats, Punjab, Mohali on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 22.10.2019 vide which a penalty of Rs.25000/- was imposed on Shri Gurdeep Singh, Panchayat Secretary-cum-PIO to be deducted from his salary and an amount of Rs.5000/- was awarded to the appellant to be paid from the government treasury in favour of the appellant.

2. Smt. Satya Devi, Senior Assistant, places on record a copy of charge sheet dated 18.11.2019 directing the guilty official to file his written submissions within fifteen days failing which exparte decision will be taken.

Contd.....p/2

-2-

3. The respondent-PIO states that he has sent complete information to the appellant by post and he has also brought a copy of the information, said to have been sent to the appellant by post, to be handed over to the appellant during the hearing.

4. The appellant states that no information has been received from the respondents said to have been sent to him by post. He is advised to take the information from the respondent-PIO and send deficiencies in the information after its perusal with a copy to the Commission. The respondent-PIO is directed to send his written explanation in response to the previous orders dated 7.10.2019 and 22.10.2019 before the next date of hearing.

5. To come up on 5.12.2019 at 11.00 A.M. at Chandigarh for further proceedings in the case.

Dated : 19.11.2019

Sd/-
(**Suresh Arora**)
Chief Information Commissioner
Punjab

CC

1. Shri Gurdeep Singh, Panchayat Secretary, c/o Block Development and Panchayats Officer, Sudhar, District-Ludhaina.
2. The District Development and Panchayats Officer, Ludhaina.
3. The Deputy Commissioner, Ludhiana.
4. The Director Rural Development and Panchayats Punjab, Vikas Bhawan, Mohali.

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Smt Daljit Kaur

R/o Dashmesh nagar, Ward No. 11,

Dhulkot Road, Ahmedgarh,

Tehsil –Malerkotla,

District Sangrur.

.....Complainant

Vs

Public Information Officer,

o/o Tehsildar,

Raikot, District Ludhiana

.....Respondent.

Complaint Case No.839 of 2019

(Through Video Conference Proceedings)

Present:- Shri Sukhdeep Singh Buttar on behalf of the complainant.

None on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 22.10.2019 vide which keeping in view bye elections in Ludhiana, one chance was given to respondent-PIO to take appropriate action on the application of information-seeker and intimate the complainant

2. Representative of the complainant states that no information has been provided to the information-seeker till date.

3. Shri Bhupinder Singh, Tehsildar Raikot (former PIO) was absent on 22.10.2019 and Shri Jaswinder Tiwana, Tehsildar, Raikot (present PIO) is absent today without any intimation. Video Conference Facility was introduced for convenience of general public and for government officials. Office of Deputy Commissioner, Ludhiana is contacted on phone confirming that who is the present PIO/Tehsildar, Raikot. They have informed that Shri Jaswinder Tiwana is working as Tehsildar, Raikot, these days, whose contact number is .94635-55150. On contacting, Shri Jaswinder Tiwana tells the office of the Commission that he was posted one month back in place of

Contd.....p/2

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Shri Bhupinder Singh, Tehsildar, Raikot. The information was asked on 05.07.2019 and at the relevant time Shri Bhupinder Singh was the PIO, who had to supply the information. Now, Shri Jaswinder Tiwana, Tehsildar, Raikot is the present PIO. Viewing the absence of the Shri Bhupinder Singh, Assistant Collector-cum-PIO on 22.10.2019 and Shri Jaswinder Tiwana, Tehsildar, Raikot (Ludhiana) on 19.11.2019 seriously, both the PIOs are, thus, 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 a maximum of Rs.25000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on them for causing willful delay/denial of the information to the RTI applicant.

4. In addition to the written reply, the PIOs are 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. They may take note that in case, they do not file their written reply and do not avail themselves of the opportunity of personal hearing on the date fixed, it will be presumed that they have nothing to say and the Commission shall proceed to take further proceedings against them ex parte.

5.. To come up on 5.12.2019 at 11.00 A.M. at Chandigarh.

Dated : 19.11.2019

Sd/-
(**Suresh Arora**)
Chief Information Commissioner
Punjab

CC

1. Shri Bhupinder Singh,
(former Assistant Collector, Raikot, District Ludhiana.)
Tehsildar, Ahmedgarh, district Ludhiana.
2. Shri Jaswinder Tiwana, Tehsildar,
Raikot, District Ludhiana.
3. The Sub Divisional Magistrate,
Raikot, District Ludhiana.
4. The District Revenue Officer, Ludhiana.
5. The Deputy Commissioner, Ludhiana (by name)) for information and to ensure the presence of
PIO or his representative

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Sh. Baljeet Singh,
Civil Engineer- RTI Activist,
64-H, B.R.S. Nagar,
Distt.- Ludhiana.

.....Appellant
Vs

Public Information Officer,
O/o Deputy Commissioner,
Mini Secretariat, Ludhiana.

First Appellate Authority,
O/o Deputy Commissioner,
Mini Secretariat, Ludhiana.

PIO/Principal Secretary to Government of Punjab,
Department of Personnel Department,
Punjab Civil Secretariat, Chandigarh.

.....Respondents

Appeal Case No. 3261 of 2019

Present:- Shri Baljeet Singh, appellant, in person.
None on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 5.11.2019 vide which Personnel Department, Punjab Civil Secretariat, Chandigarh for supplying the information to the appellant before the next date of hearing.

2. The appellant states that no information has been received after the previous date of hearing.

3. A copy of affidavit of Shri Harpreet Singh, Superintendent Grade-1-cum-PIO is sent to the appellant regarding point at Sr. No.2 stating that no information is available in their record. After supply of a copy of affidavit, information regarding point at Sr. No.1 is left to be provided by Personnel Department, Punjab Civil Secretariat, Chandigarh, who are absent without intimation. Last opportunity is afforded to them to intimate the appellant with a copy to the Commission after taking appropriate action on the application of the appellant for seeking information under the provisions of RTI Act, 2005.

5. To come up on 05.12.2019 at 3.30 P.M. to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Ludhiana.

Dated : 19.11.2019

Sd/-
(**Suresh Arora**)
Chief Information Commissioner
Punjab

DA: Copy of affidavit.

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Sh. Gurpreet Singh,
S/o Sh. Darshan Singh,
VPO: Lapran, Tehsil: Payal,
Distt: Ludhiana-141421.

..... Complainant
Vs

Public Information Officer,
O/o Block Development and Panchayat Officer,
Lakkar Mandi, Doraha,
Distt: Ludhiana.

PIO/Sub Divisional Officer,
Doraha, District Ludhiana.

..... Respondents.

Complaint Case No. 771 of 2019

(Video Conference Proceeding)

Present:- None on behalf of the complainant.

Shri Gurpreet Singh, GRS, on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 5.11.2019 vide which the PIO was directed to get explanation of the employee, who was deputed to attend the hearing, and sent it to the Commission for its perusal.

2. The complainant sent an e-mail dated 16.11.2019 stating that he sought information from Sub Divisional Officer, Irrigation Department, Doraha, District Ludhiana. In reply to that, they have stated that work was executed by them on behalf of BDPO and all relevant papers have been sent to them for further necessary action, which are on the name of BDPO-cum-Programme Officer (Manrega), confirming this aspect, they have attached a copy of the bill.

3. The representative of the respondents states that no observations dated 16.11.2019 have been sent to them by the complainant. A copy of the same has been sent to Shri Gurpreet Singh, GRS on his M.No.97814-00787 through whatsapp for taking appropriate action under provisions of RTI Act, 2005 as early as possible to the complainant with a copy to the Commission.

4. To come up on 5.12.2019 at 3.30 P.M. to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Ludhiana .

Dated: 19.11.2019.

Sd/-
(Suresh Arora),
Chief Information Commissioner,
Punjab.

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Sh. Ram Singh,
S/o Sh. Amar Singh,
Vill: Khanwala, P.O: Karni Khera,
Tehsil & Distt: Fazilka.

.....Appellant
Vs

Public Information Officer,
Block Development and Panchayat Officer,
Distt: Fazilka.

First Appellate Authority,
Block Development and Panchayat Officer,
Distt: Fazilka.

Shri Sandeep Kumar
Assistant Programme Officer (Narega)
c/o Block Development and Panchayats Officer, Fazilika.....Respondents

Appeal Case No. 2568 of 2019 (Video Conference Proceeding)

Present:- Shri Ram Singh, appellant.
Shri Sandeep Kumar, Assistant Programme Officer, on behalf of the respondents.

ORDER

This order may be read with reference to the previous orders dated 05.11.2019 vide which Shri Sandeep Kumar, Assistant Programme Officer o/o BDPO, Fazilika handed over information consisting of 52 pages during the hearing. The appellant was advised to get the same and revert back to the authorities in case of deficiencies after its perusal and the respondents were directed to remove the deficiencies on its receipt from the appellant.

2. The appellant states that he has sent deficiencies to the Commission and to the respondents through e-mail vide their e-mail dated 14.11.2019.

Contd.....p/2

-2-

3. The representative of the respondents states that he has brought copies of the documents consisting of 116 pages including MBs to be handed over to the appellant. With the supply of photocopies of these documents, nothing has been left, which could be supplied to him. The respondents are further directed to give in writing that complete information has been provided to the appellant and nothing has been kept pending which could be supplied to him according to his application for seeking information under the provisions of RTI Act, 2005. The appellant is advised to get the same from the respondents and revert back to the authorities in case of deficiencies in the information after its perusal.

4. To come up on 06.12.2019 at 3.30 P.M. to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Fazilika.

Dated: 19.11.2019.

Sd/-
(Suresh Arora),
Chief Information Commissioner,
Punjab.