

PUNJAB STATE INFORMATION COMMISSION

**Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.**

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(Regd. Post) Sh. T.R. Maini D.A. (Retd), (7696660722)
#22 B, Ranika Bagh, Amritsar.

Complainant

Versus

(Regd. Post) Public Information Officer (By Name)
O/o Financial Commissioner,
Department of Rural and Panchayat Development
SAS Nagar

(Regd. Post) Ms. Seema Jain (IAS)
Financial Commissioner,
O/o Department of Rural and Panchayat Development
SAS Nagar

Respondent

Complaint Case No.: 165 of 2019
Heard through CISCO WEBEX

Present: Sh. T. R. Maini, the complainant in person.
For the respondent: Sh. Sagar Mittal (SA) (9464656733) along with Sh. Jagjeet Singh (Superintendent) (9855450100)

ORDER

1. This order may be read with reference to the previous order dated 31.08.2020 vide which Respondent PIO was continuously absent 7th (seventh) time without any intimation to the Commission, which shows his irresponsible behavior towards his duties as a Public Servant. He was also absent on previous hearings held on 15.05.2019, 24.07.2019, 05.02.2020, 19.02.2020, 09.03.2020 and 22.07.2020.

A **Show Cause** notice was issued to him vide order dated 05.02.2020 and **compensation amounting Rs. 3,000/-** was awarded to the complainant. Matter was adjourned for further hearing on 19.02.2020.

A last and final opportunity was given to him even after the show cause vide order dated 19.02.2020 but not availing these opportunities a **Bailable warrant** was issued to him vide order dated 09.03.2020.

On 22.07.2020, respondent PIO was again absent and a copy of order was sent to the respondent PIO, O/o Financial Commissioner, Department of Rural and Panchayat Development, SAS Nagar through registered post.

RTI application filed by the complainant dated 23.11.2018 but respondent PIO is failed to supply reply/information to the complainant even after the lapse of 1.8 year which could not be accepted by the Commission.

Due to such irresponsible behavior by the concerned respondent PIO, A copy of previous order dated 31.08.2020 was sent to the Financial Commissioner, Ms. Seema Jain (IAS) by name through registered post for the compliance of order and make sure that concerned official represent this case on the next date of hearing positively.

Matter was adjourned for further hearing on 20.10.2020 through CISCO WEBEX i.e. today.

2. In today's hearing, Sh. Sagar Mittal states that compensation cheque is ready to supply to the complainant along with reply. He added that requisite information could not be supplied to the complainant as concerned file was missing but now traced. He further added that RTI application was not received in the office and after receiving the information we have gone through but in RTI cell there are 200 to 300 applications available.

3. Complainant, Sh. T.R. Maini states that not even a single page has been received from the respondent till date.

4. After hearing both the parties and examining the case file, it is observed that respondent giving contradictory reply because he is saying that concerned file is missing during the hearing whereas in the sent reply through email (dated 20.10.2020) to the Commission it is clearly mentioned that case is under process and will be supplied once it will be finalized. Copy of compensation cheque bearing cheque no. 967761 dated 19.10.2020 has been received by the bench, which is taken on record.

As per respondents, Sh. Sagar Mittal and Sh. Jagjeet Singh informed the Commission that **Ms. Baljinder Kaur (Contact Number 8288035817)** is the concerned respondent PIO in this case.

5. In view of the defying attitude of the respondent PIO neither attending the court nor submitting any explanation for the delay in supplying the information within the time schedule as prescribed under the RTI Act 2005, the court comes to a logical conclusion that it is a fit case for the imposition of penalty amounting to Rs. 25,000/- (Rupees Twenty Five thousand only) on the PIO. Therefore, taking a lenient view, **I impose a penalty of Rs. 15,000/- (Rs. Fifteen Thousand Only) on the concerned respondent PIO, Office of Financial Commissioner, Department of Rural and Panchayat Development SAS Nagar. The Drawing and Disbursing Officer of the office of the Financial Commissioner, Department of Rural and Panchayat Development SAS Nagar is directed to deduct the amount of penalty of Rs. 15,000/- from the salary of the concerned respondent PIO and deposited in the State Treasury in the following Head of Account and to report its compliance to the Commission:-**

“0070-Other Administrative Services

60 other Services

800-Other Receipts

86-Fee under the RTI Act, 2005”

6. Respondent PIO is directed to send the compensation cheque to the complainant along with a last and final opportunity to him to supply the information to the complainant as per queries raised by him in RTI application before the next date of hearing positively, failing to which stern action will be initiated against him as per RTI Act, 2005.

7. A copy of this order be sent to the Financial Commissioner, Ms. Seema Jain (IAS) by name through registered post for the compliance of this order.

8. Matter is adjourned for further hearing on **15.12.2020 through CISCO WEBEX at 11:00 A.M.** (Steps: Install CISO WEBEX->Click on Join Meeting->Enter meeting number 918232900)

9. Announced in the Court. Copy of the order to be sent to the parties through **registered post.**

Chandigarh
Dated: 20.10.2020

(Dr. Pawan Kumar Singla)
State Information Commissioner

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Smt. Kamaldeep Kaur, (9872139640)

D/o Sh. Pritpal Singh, VPO Gumtala,
Opp. Govt Dispensary, Ward No 5,
Amritsar.

Appellant

Versus

Public Information Officer

O/o MC, Amritsar.

Sh. Sushant Bhatia (Public Information Officer)

(Regd. Post) O/o Land Department,
MC, Amritsar.

Public Information Officer

(Regd. Post) O/o MTP,
MC, Amritsar.

Encl: RTI application.

First Appellate Authority

O/o Addl. Commissioner,
MC, Amritsar.

Respondent

Appeal Case No.:242 of 2020
Heard through CISCO WEBEX

Present: Ms. Kamaldeep Kaur, the appellant in person.

For the respondent: Sh. Vishal Wadhawan (Nodal Officer) (9872749898) along with
Sh. Satnam Singh (Land Department) (9872615738)

ORDER

1. This order may be read with reference to the previous order dated 31.08.2020 vide which appellant, Ms. Kamaldeep Kaur states that requisite information is still pending from the respondent PIO.

Respondent, Sh. Ashwani Kumar stated that he is not the concerned official in this and sent a reply to the Commission of the Show Cause which was issued to him by name vide order of the Commission dated 30.07.2020 through an email to the Commission. He added that Sh. Vishal Wadhawan was sitting next to him to represent this case.

Respondent, Sh. Vishal Wadhawan states that RTI application relates with Land Department, MC, Amritsar and concerned official is Sh. Sushant Bhatia in this case.

Show cause was dropped which was issued to Sh. Ashwani Kumar after gone through the reply sent by him through an email from email ID streetlightdeptt@gmail.com.

It is also observed that appellant filed RTI application dated 14.10.2019 to the office of MC, Amritsar and notice of hearing of the Commission for dated 09.03.2020 was also issued to the same but respondent PIO, Sh. Vishal Wadhawan had not transferred the RTI application to the concerned office (Land Department), so now respondent PIO, Sh. Sh. Vishal Wadhawan is directed to collect the requisite information and supply it to the appellant before the next date of hearing. He was also directed to appear in person on the next date of hearing positively. A copy of this order be sent to him through registered post for his ready reference

Respondent PIO, Sh. Sushant Bhatia (Contact Number-9855278688), O/o Land Department, MC, Amritsar was impleaded as a necessary party in this case. A copy of this order along with RTI application was sent to him by name through registered post for his ready reference.

2. In today's hearing, respondent Sh. Vishal Wadhawan states that RTI application was transferred to the Land Department on 26.02.2020 and after that reminders were also sent in this regard.

3. Respondent, Sh. Satnam Singh states that information relates with MTP department and RTI application was sent to the MTP department on 13.03.2020. He added that reply was sent to the appellant on 19.11.2019. He further added that respondent PIO, MTP is suspended and at present Sh. Narinder Singh (9646989876) is the incharge.

4. On this, appellant, Ms. Kamaldeep Kaur states that requisite information is still pending from the respondent PIO.

5. After hearing both the parties and perused the record, respondent, Sh. Vishal Wadhwan is exempted in this case till further orders. I am of the view that respondent PIO, o/o MTP, MC, Amritsar be implead as a necessary party in this case. A copy of this order be sent to him along with RTI application for his ready reference through registered post.

6. Respondent PIO, O/o Land Department is also directed to represent this case on the next date of hearing positively.

7. Matter is adjourned for further hearing on **16.12.2020 through CISCO WEBEX at 11:00 A.M.** (Steps: Install CISO WEBEX->Click on Join Meeting->Enter meeting number 918232900)

8. Announced in the Court. Copy of the order to be sent to the parties.

Chandigarh
Dated: 20.10.2020

(Dr. Pawan Kumar Singla)
State Information Commissioner

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Smt. Kamaldeep Kaur, (9872139640)

D/o Sh. Pritpal Singh, VPO Gumtala,
Opp. Govt Dispensary, Ward no. 5,
Amritsar.

Appellant

Versus

Sh. Iqbal Randhawa (Public Information Officer)

O/o Commissioner, MC,
Amritsar.

First Appellate Authority

O/o Commissioner, MC,
Amritsar

Respondent

Appeal Case No.: 411 of 2020
Heard through CISCO WEBEX

Present: Ms. Kamaldeep Kaur, appellant.
Nobody on behalf of the respondent.

ORDER

1. This order may be read with reference to the previous order dated 31.08.2020 vide which respondent, Sh. Iqbalpreet Singh Randhawa stated that requisite information had already been sent to the appellant on 09.07.2020. On the denial of the receiving the information, appellant was advised to collect the requisite information from the respondent's office and point out deficiency, if any, in writing to the respondent PIO with a copy to the Commission. Matter was adjourned for further hearing on 20.10.2020 through CISCO WEBEX i.e. today.

2. In today's hearing, appellant, Ms. Kamaldeep Kaur states that she has sent a letter regarding point-wise deficiency to the respondent PIO dated 09.09.2020. She added that she has also sent a copy of the same via email dated 10.09.2020 to the undersigned bench.

3. Neither the respondent PIO is present for today's hearing nor did he file reply in this regard.

4. In view of the above, the then respondent PIO, O/o Commissioner, MC, Amritsar will

Show Cause under Section 20 (1) of the RTI Act, as to why penalty be not imposed upon him for willful delay/denial in supplying the information to the RTI applicant and why the compensation be not awarded to the information-seeker under the provisions of the RTI Act, 2005.

In addition to his submission, the PIO is also hereby given an opportunity under Section 20(1) provision, thereto, for a personal hearing before the imposition of such penalty on the next date of hearing. A copy of this order to be sent to him through registered post along with RTI request.

He may note that in case he does not file his submission and does not avail himself of the opportunity of personal hearing on the next 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. Matter is adjourned for further hearing on **16.12.2020** through **CISCO WEBEX** at **11:00**

A.M. (Steps: Install CISO WEBEX->Click on Join Meeting->Enter meeting number 918232900)

6. Announced in the Court. Copy of the order to be sent to the parties.

Chandigarh
Dated: 20.10.2020

(Dr. Pawan Kumar Singla)
State Information Commissioner

Show Cause

Regd. Post **Sh. Iqbal Randhawa (Public Information Officer)**
O/o Commissioner, MC,
Amritsar.