

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,
Madhya Marg, Sector 16, Chandigarh.

Ph: 0172-2864100-101, Fax 0172 2864110

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Sh. Manoj Kumar Karwasra, (94160 41014)

R/o H No. 612, Navdeep Colony,

Hisar, Haryana.

.....Complainant

Vs

Public Information Officer,

O/o Controller of Panchayat Raj,

C/o Director, Rural Development & Panchayat,

Govt. of Punjab,

Vikas Bhawan, Sector- 62,

S.A.S. Nagar.

.....Respondent

Complaint Case No. 947 of 2019

Present:- None on behalf of the complainant.

Mr. Bipan Kumar alongwith Ms. Sukhjinder Kaur, both Senior Assistants, on behalf of the respondent-PIO.

ORDER

This order may be read with reference to the previous order dated 24.01.2020 vide which the respondent-PIO was directed to remove the deficiencies pointed out vide his letter dated 22.01.2020 in the information supplied to him before the next date of hearing.

2. The respondent-PIO sent complete information vide their letter dated 06.01.2020, 06.02.2020 and again on 13.02.2020 to the complainant through registered post and nothing has been left, which could be supplied to him as per his RTI application as per its availability in their record.

3. The appellant remained absent on 6.1.2020, 24.01.2020 and again today without intimation.

4. After hearing the representatives of the respondent-PIO and going through the record available on the case file, it is revealed that deficiencies pointed out by the complainant vide his letter dated 22.01.2020 have been removed by the respondent-PIO vide their letter dated 14.02.2020. The respondents stated in their letter dated 14.02.2020 that vide a judgment dated 26.05.2015 delivered by Division Bench consisting of Hon'ble Chief Justice Shri K.M. Joseth and Hon'ble Justice Shri V.K. Bist, in which it is mentioned that only information as available in the record has to be supplied and not in the language known by information-seeker. It is mentioned that the Court was of the view that on the conspectus of the RTI Act, 2005, when an application is made under Section 6 of the RTI Act, 2005 the duty, which is cast on the authority, is to provide the information as it is and that there cannot be a duty to translate information in the form of a document into any other language. A translation may very often produce a distortion of

Contd.....p/2

-2-

the information itself. A Division Bench of the Hon'ble High Court of Uttarakhand at Nainital was of the view that the applicant/appellant under Section 6 of the RTI Act, 2005 does not know the language, in which the information under the RTI Act, 2005, is couched (a judgment written in English) cannot be a basis to provide him with information in a translated form. If information is sought by every person, in a translated version, one can imagine the financial and other hurdles that the Authority would also be put to apart from the more important objection that the RTI Act itself does not contemplate providing of information in the translated version. The definition of "Right to Information" itself states that a citizen has access to information which is held by or under the control of any public authority. Obviously since "information" in the form of a record is "held" by the public authority in Punjabi, it has to be supplied in that language.

The Commission further observed that the complainant sent application dated 12.07.2019 for seeking information to the PIO and respondent-PIO replied on 31.07.2019 i.e. within the stipulated period mentioned under the provisions of RTI Act, 2005. In view of the timely reply by the respondent-PIO to the complainant, no action can be taken for imposition of penalty under the provisions of RTI Act, 2005. Hence, the present case is disposed of and closed. Copies of the order be sent to the parties.

Dated :24.02.2020

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

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Sh. Damodar Sharma S/o Sh. Jagdish Rai,
R/o Vill. –Chuhri Wala Dhanna,
Tehsil & District –Fazilka.

.....Appellant
Vs

Public Information Officer,
O/o Block Development & Panchayat Officer,
Block – Khuiya Server, Abohar,
District- Fazilka.

First Appellate Authority,
O/o District Development & Panchayat Officer,
District- Fazilka.

Shri D.P. Pandey,
PIO/Tehsildar,
Fazilika (M.No.94635-87400).

.....Respondents

Appeal Case No. 4331 of 2019 **(Video Conference Proceedings)**

Present:- Shri Damodar Sharma, appellant.
Shri Rakesh Kumar, Clerk, on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 31.01.2020 vide which Shri D.P. Pandey, Tehsildar, Fazilika was impleaded as a necessary party with the direction to supply the information before the next date of hearing.

2. The appellant states that no information has been supplied to him till date by the respondents.

3. Shri Rakesh Kumar, Clerk, requests that an adjournment may be given as the custodian of the record is busy today in appearing before the Hon'ble Punjab and Haryana High Court.

4. After hearing both the parties and going through the record available on the case file, it is revealed that no information, till date, has been provided to the appellant. Last opportunity is afforded to the respondents with the direction to supply the information before the next date of hearing failing which punitive action will be initiated against the respondents on the next date of hearing.

5. To come up on 09.03.2020 at 3.00 P.M. to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Fazilika.

Dated: 24.02.2020.

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

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Sh. Lakha Singh Azad S/o Sh. Mangal Singh Fauji,
R/o VPO –Raiya(Khurd), Ward No. 3, (94635-70178)
Tehsil –Baba Bakala, District Amritsar. Appellant

Vs

Public Information Officer,
O/o Deputy Commissioner,
Administrative Complex, Amritsar.

First Appellate Authority,
O/o Director, Governance Reforms, Punjab,
Chandigarh. Respondents

Appeal Case No. 4186 of 2019
(Video Conference Proceedings)

Present:- None on behalf of the appellant.

Ms. Parminder Kaur, Superintendent, on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 24.01.2020 vide which Ms. Parminder Kaur, Superintendent was directed to get latest status from SDM, Sri Baba Bakala Sahib of complaint of the information-seeker regarding allotment of chambers to the lawyers and intimate the appellant before the next date of hearing.

2. The appellant is absent but he has sent an e-mail stating that noting portion relating to his complaint from 7.1.2019 to 4.2.2020 is necessary.

3. Ms. Parminder Kaur, Superintendent, states that noting portion relating to his complaint from 7.01.2019 to 04.02.2020 has been sent to the appellant through registered post, which might be delivered to him by the postal authority within a day or so.

4. After hearing the representative of the respondents and going through the record available on the case file, it is revealed that complete information has been supplied to the appellant except noting portion concerning his complaint from 7.1.2019 to 4.2.2020. In view the statement of the representative of the respondents, the present case is disposed of and closed that noting portion has been dispatched to the appellant through registered post. If the appellant does not receive the same, the appellant is advised to approach the public authority again with a copy to the Commission within ten days from today.

Dated : 24.02.2020

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

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Sh. Rajinder Kumar
s/o Shri Mehar Chand
r/o Ward No.2, Supreme Enclave,
Near Vishavkarma Bhawan, Link Road,
Mansa.

.....Appellant

Vs

Public Information Officer
o/o Secretary to Government of Punjab,
Department of Personnel,
Main Civil Secretariat, Chandigarh.

First Appellate Authority,
o/o Secretary to Government of Punjab,
Department of Personnel,
Main Civil Secretariat, Chandigarh.

.....Respondents

Appeal Case .No. 4674 of 2019

(Video Conference Proceeding)

Present:- None on behalf of the appellant.

Shri Khushpreet Singh, Senior Assistant on behalf of the respondents at Chandigarh..

ORDER

This order may be read with reference to the previous order dated 24.01.2020 vide which the appellant was advised to submit public interest involved in seeking the information before the next date of hearing.

2. The appellant is absent but he has sent an e-mail dated 10.02.2020 stating that employees of Municipal Council/Committee are working on holidays. They may be paid salaries for working on holidays.

3. The representative of the respondents reiterates that information sought by the information-seeker concerns 17 years and cannot be supplied to him being voluminous and it has already been published in diaries and calendars of Punjab Government.

4. After hearing the representative of the respondents and going through the record available on the case file, it is revealed that information sought by the appellant relate to 17 years and cannot be supplied being voluminous and collating from various files. Further, the information-seeker has failed to establish public interest involved in the information sought by him. Accordingly, the present case is disposed of and closed. Copies of the order be sent to the parties.

Dated: 24.02.2020.

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

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Shri Parminder Singh
s/o Shri Bhajan Singh,
Village Gharuan, Tehsil Kharar,
District Mohali.

.....Appellant
Vs

Public Information Officer,
O/o Block Development and Panchayats Officer,
Kharar, District SAS Nagar.

First Appellate Authority,
O/o District Development and Panchayats Officer,
Mohali. Respondents

Appeal Case No. 3470 of 2019

Present:- Shri Parminder Singh, appellant, in person.

Shri Jagmohan Singh, Panchayats Secretary-cum-PIO on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 24.01.2020 vide which one more last opportunity was afforded to the respondents to supply complete information before the next date of hearing failing which no further adjournment would be given and punitive action would be initiated on the next date of hearing.

2. In compliance to the previous order dated 24.01.2020, the respondent-PIO hands over information concerning points at Sr. No. 1, 2, 4 and 5 to the satisfaction of the appellant during the hearing. The respondent-PIO states that information pertaining to points at Sr. No.3 and 6, no documents are available in their record.

4. After hearing both the parties and going through the record available on the case file, it is ascertained that information, concerning points at Sr. No.1, 2, 4 and 5 of his application dated 10.06.2019 seeking information, has been supplied to the satisfaction of the appellant. The respondent-PIO is directed to give an affidavit to the appellant stating that no record is available concerning points at Sr. No.3 and 6 (M.B. Books and Estimates) within 5 days with a copy to the Commission. With these observations, the present case is disposed of and closed with the advice to the appellant to approach the Commission again, if he does not receive the affidavit within 5 days from today. Copies of the order be sent to the parties.

Dated : 24.02.2020

sd/-
(Suresh Arora)
Chief Information Commissioner
Punjab

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Smt Karamjit Kaur W/o Sh. Gurcharan Singh

R/o Village –Bhagta Bhai Ka,

Tehsil –Phul District –Bathinda.

.....Appellant

Vs

Public Information Officer,

O/o Block Development & Panchayat Officer,

Block - Bhagta Bhai Ka, Bathinda.

First Appellate Authority,

O/o District Development & Panchayat Officer,

Bathinda.

Public Information Officer

o/o Executive Officer,

Nagar Panchayat, Bhaika, District Bhatinda.

..... Respondents

Appeal Case No. 4324 of 2019
(Video Conference Proceedings)

Present:-

Shri Gurjit Singh on behalf of the appellant.

Shri Gurdeep Singh, Clerk o/o Nagar Panchayat, Bhagtan Bhai Ke on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 31.01.2020 vide which PIO was directed to get the record inspected from appellant and supply photocopies of documents on the spot after charging necessary fee under the provisions of RTI Act, 2005.

2. The representative of the respondents states that no inspection was made by the appellant on the prescribed date and time.

3. Last opportunity is afforded to the appellant to inspect relevant record and get photocopies of the documents after paying necessary fee under the provisions of RTI Act, 2005 failing which the matter will be decided on the next date of hearing on merits.

4. On the request of the appellant, the respondents are directed to get the record inspected on 29.2.2020 at 11.00 A.M. from the appellant and supply photocopies of the identified record as per his original RTI application after charging @ Rs.2/- per page on the spot.

5. To come up on 09.03.2020 at 3.00 P.M. to be heard through Video Conference Facility available in the office of the Deputy Commissioner, District Bhatinda.

Dated: 24.02.2020.

sd/-

(Suresh Arora),

Chief Information Commissioner,
Punjab.

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Sh. Mander Singh S/o Sh. Pritam Singh,
R/o Ghunas,
Tehsil –Tappa,
District –Barnala. 148108

.....Complainant

Vs

Public Information Officer,
O/o Block Development & Panchayat Officer,
Block – Sehna, District- Barnala.

.....Respondent

Complaint Case No. 954 of 2019

(Video Conference Proceeding)

Present:- Shri Mander Singh, complainant (M.No.75891-36911).

Ms. Sukhpal Kaur, Panchayat Secretary on behalf of the respondent-PIO.

ORDER

This order may be read with reference to the previous order dated 24.01.2020 vide which the appellant was advised to go through the same and revert back to the authorities, in case of deficiencies in the information, within seven days from today otherwise case would be decided on merits. On receipt of deficiencies in the information already supplied to him, the respondent-PIO was directed to remove the same before the next date of hearing.

2. The complainant states that partial information has been supplied to him by the respondents. On this, the respondent-PIO states that complete information has been provided to him. If he has any doubt about the supply of documents, he may inspect the record.

3. After hearing both the parties and going through the record available on the case file, it is revealed that complete information has been supplied to him. The complainant is advised to visit the respondents' office and inspect the record on 25.02.2020 at 11.00 A.M. The respondents are directed to make necessary arrangement for inspection of the record on the prescribed time and date and supply copies of documents on the spot after identification by the complainant.

4. To come up on 26.02.2020 at 3.00 P.M. to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Barnala.

sd/-

(**Suresh Arora**)

Chief Information Commissioner
Punjab

Dated :24.02.2020

CC

Ms. Sukhpal Kaur,
Panchayat Secretary,
o/o Block Development and Panchayats Officer,
Block Sehna, District Barnala.

PUNJAB STATE INFORMATION COMMISSION

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Madhya Marg, Sector 16, Chandigarh.

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Sh. Sukhchain Singh S/o Ajit Singh,
R/o Sonam Mohalla, Fatehgarh Churian,
Tehsil Batala, District Gurdaspur.

.....Appellant

Vs

Public Information Officer,
O/o Block Development & Panchayat Officer,
Fatehgarh Churian, Tehsil Batala, District Gurdaspur.

First Appellate Authority,
O/o District Development & Panchayat Officer,
Mini Secretariat, Gurdaspur.

Shri Gurmit Singh,
Superintendent o/o Block Development and Panchayats Officer,
Fatehgarh Churian, District Gurdaspur.

..... Respondents

Appeal Case No. 220 of 2020 (Video Conference Proceedings)

Present:- None on behalf of the appellant.
Shri Devinder Singh, APO, on behalf of the respondents.

ORDER

The RTI application is dated 20.09.2019 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter called FAA) on 29.10.2019 and second appeal was filed in the Commission on 07.01.2020 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today by the Commission.

2. The appellant is absent but he has informed the Commission through e-mail stating that the case may be adjourned. He further stated that no information has been supplied to him.

3. The representative of the respondents states that complete information concerning MANREGA has been provided to the appellant and the remaining information is to be supplied by Shri Gurmit Singh, Superintendent (M.No. 98148-65126). Accordingly Shri Gurmit Singh, Superintendent o/o BDPO, Fatehgarh Churian is directed to supply complete information concerning panchayat before the next date of hearing.

4. To come up on 09.03.2020 at 3.00 P.M. to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Gurdaspur.

Dated :24.02.2020

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

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Sh. Surjeet Singh S/o Surain Singh,
R/o Vill. Devi Dass, P.O. Baja Chak,
Tehsil Mukerian, District- Hoshiarpur.

..... Complainant

Vs

Public Information Officer,
O/o Block Development & Panchayat Officer,
Mukerian, District- Hoshiarpur.

..... Respondent

Complaint Case .No. 937 of 2019

(Video Conference Proceeding)

Present:- Shri Surjit Singh, complainant.
Shri Jarnail Singh, Panchayat Secretary on behalf of the respondent.

ORDER

This order may be read with reference to the previous order dated 30.01.2020 in which it is mentioned that on the request of the complainant, inspection was allowed to inspect the record on 17.02.2020 at 11.00 A.M. and supply copies of the documents on the spot after identification. It was also mentioned if any information is not available in their record as per his original RTI application, then give in writing that nothing is available except which had already been supplied to him.

2. On the request of the complainant, the respondents got conducted the inspection of the concerned record from him and supplied copies of documents identified by him on the spot. He further states that he has given in writing to the complainant that no more documents are available in their record except which has already been supplied to him.

3. After hearing the representative of the respondent-PIO and going through the record available on the case file, it is revealed that complete information has been supplied even after the inspection but the complainant is not satisfied with the documents supplied to him. It is further ascertained that the respondents has also given in writing that no document is available except which have already been supplied to him. To settle this matter regarding receipt/supply of the information, both the parties are directed to appear before the Commission on 09.03.2020 at 11.00 A.M. at Chandigarh with original record regarding supply/receipt of the information.

Dated: 24.02.2020.

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

PUNJAB STATE INFORMATION COMMISSION

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Sh. Sukhchain Singh S/o Ajit Singh,
R/o Sonam Mohalla, Fatehgarh Churian,
Tehsil Batala, District Gurdaspur.

.....Appellant

Vs

Public Information Officer,
O/o Block Development & Panchayat Officer,
Fatehgarh Churian, Tehsil Batala, District Gurdaspur.

First Appellate Authority,
O/o District Development & Panchayat Officer,
Mini Secretariat, Gurdaspur.

Shri Devinder Singh,
Assistant Programme Officer,
Manrega (M.No.84270-04370)
o/o Block Development and Panchayats Officer,
Fatehgarh Churian, Tehsil Batala, District Gurdaspur.

..... Respondents

Appeal Case No. 4183 of 2019

(Video Conference Proceedings)

Present:- None on behalf of the appellant.
Shri Devinder Singh, APO, on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 24.01.2020 vide which the respondents were directed to remove the deficiencies or give in writing that the information is not available in their record except which has already been supplied to him.

2. The appellant is absent but he has sent in writing that Utilisation Certificates have not been supplied to him till date.

3. The representative of the respondents states that complete information has been provided except utilization certificate which are not available in their record. The respondent further states that these certificates have not been prepared as yet.

4. The respondents are directed to send in writing to the appellant with a copy to the Commission stating that utilization certificates are not prepared/available in their record before the next date of hearing.

5. To come up on 09.03.2020 at 3.00 P.M. to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Gurdaspur.

Dated :24.02.2020

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

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Sh. Balwinder Singh
s/o Shri Sadhu Singh
r/o village Ran Kalan, Tehsil Shahkot,
District Jalandhar.

.....Appellant
Vs

Public Information Officer,
O/o Block Development and Panchayat Officer,
Lohian Khas, District Jalandhar.

First Appellate Authority
O/o Block Development and Panchayat Officer,
Lohian Khas, District: Jalandhar. Respondents.

Appeal Cases No.2548 of 019 (Video Conference Proceeding)

Present:- None on behalf of the appellant..

Shri Satnam Singh, Superintendent alongwith Shri Sandeep Kumar, Panchayats
Secretary on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 24.01.2020 in which it is mentioned that one more last opportunity was afforded to the respondents to file their explanation why the information could not be supplied within stipulated period as per the provisions of RTI Act, 2005 before the next date of hearing failing which no more opportunity will be provided and exparte decision will be taken. On the request of the counsel of the appellant, show cause notice was issued on 02.12.2019 for imposition of penalty and award of compensation. On this, the representative of the respondents states that he has filed his reply regarding delay in supply of information.

2. The counsel for the appellant is absent but he has sent in writing through an e-mail stating that the case may be adjourned due to personal difficulty.

3. In view of the request of the counsel for the appellant, the present case is adjourned to 09.03.2020 at 3.00 P.M. to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Jalandhar.

Dated : 24.02.2020

sd/-
(Suresh Arora)
Chief Information Commissioner,
Punjab

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Sh. Ranjit Singh,
S/o Sh. Sadhu Singh,
Village- Moga, P.O: Bhogpur,
District- Jalandhar.

.....Appellant

Vs

Public Information Officer,
DDPO, Jalandhar.

.....Respondent

Complaint Case No. 670 of 2019
(Through Video Conference Facility)

Present:- Shri Ranjit Singh complainant.

Ms. Rajwant Kaur, Reader/DDPO, Jalandhar on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 27.01.2020 vide which the respondents were directed to supply a copy of order passed by DDPO, Jalandhar being Collector on 24.06.2009. Decision on the show cause notice issued to Shri Ram Ji Dass was kept pending to be taken after the information is supplied.

2. The representative of the respondent-PIO states that copy of order dated 24.06.2009 has been supplied to the complainant. The complainant confirms that he has received the same but the names against whom the case was filed and in the decision, there is difference in the names. On this, the representative of the respondent-PIO states that they have to provide the information as available in their record. For corrections in the names, he has to follow the procedure under the provisions of Revenue Act. The complainant is not satisfied even with the copy of the order passed on 24.06.2009.

3. To settle the matter regarding supply/receipt of the information, both the parties are directed to appear before the Commission on 9.3.2020 at 11.00 A.M. with the original record regarding supply/receipt of the information for the perusal of the Commission.

sd/-

Dated : 24.02.2020

(Suresh Arora)
Chief Information Commissioner,
Punjab

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Sh. Bhupinder Punj
r/o 186, Village Lohara,
District Ludhiana (M.No.9915235055).

.....Appellant.

Vs

Public Information Officer,
O/o Secretary, Regional Transport Authority,
Faridkot.

FAA-State Transport Commissioner, Punjab,
Chandigarh.

.....Respondents

Appeal Cases Nos. 3757, 3765 and 3772 of 2019

(video conference proceedings)

Present:- Shri Bhupinder Punj at Chandigarh.
None on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 31.01.2020 in which it is mentioned that due to ex-India leave granted to Secretary/RTA, Faridkot, the case was adjourned for today to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Faridkot.

2. The appellant and both the respondents are same in these cases and information sought by the appellant is held by Secretary/RTA, Faridkot. Hence, these three cases are clubbed to be heard collectively and one order in these cases will be passed.

3. The appellant states that no information has been received from the respondents till date.

4. Video Conference Facility was introduced for convenience of general public and for government officials. Viewing the absence of the respondent seriously, it is, therefore, a fit case to issue a notice under Section 19(8)(b) of the Right to Information Act, 2005 to show cause why compensation should not be awarded to the appellant for loss and detriment suffered by him. The written explanation of the PIO may be filed before the next date of hearing when he may also avail the opportunity of personal hearing.

5. To come up on **12.03.2020 at 11.00 A.M. at Chandigarh.**

Dated: 24.02.2020.

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

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Sh. Sardool Singh S/o Sh. Sukhchain Singh,

R/o Vill. -Ghumara, (98150-41837)

Tehsil –Malout, 151211

District –Sri Muktsar Sahib.

.....Complainant

Vs

Public Information Officer,

O/o Panchayat Secretary, Ghumara,

C/o Block Development & Panchayat Officer,

Block Lambi, Tehsil Malout,

District- Sri Muktsar Sahib.

PIO/Block Development and Panchayats Officer,

Lambi, District Sri Mukatsar Sahib.

PIO/Water Supply and Sanitation Department, Punjab,

Malout, District Sri Mukatsar Sahib.

.....Respondents

Complaint Case .No. 995 of 2019
(Video Conference Proceedings)

Present:- None on behalf of the complainant.

None on behalf of the respondent-PIO.

ORDER

This order may be read with reference to the previous order dated 31.01.2020 vide which the absence of Block Development and Panchayats Officer and Panchayat Secretary were viewed seriously.

2. The appellant remained absent on 16.01.2020, 31.01.2020 and today without intimation.

3. None on behalf of the respondents.

4. One more last opportunity is afforded to the respondent-PIO to appear on 09.03.2020 at 11.00 A.M. at Chandigarh with the direction to supply complete information to the complainant, if any information is not available in their record, the respondents are directed to give in writing that no information is available except which has already been supplied to him. Last opportunity is afforded to the appellant to appear on the next date of hearing and defend his case failing which it will be presumed that complete information has been provided and nothing has been left, which could be supplied to him.

sd/-

Dated: 24.02.2020.

(Suresh Arora),

Chief Information Commissioner,
Punjab.

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,

Madhya Marg, Sector 16, Chandigarh.

Ph: 0172-2864100-101, Fax 0172 2864110

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Sh. Hardiyal Singh,
s/o Sh. Sher Singh.
r/o VPO Dhablan,
Tehsil & District Patiala

....Appellant

Vs

Public Information Officer,
o/o Block Development and Panchayats Officer,
District Patiala

First Appellate Authority,
o/o District Development and Panchayats Officer,
Mini Seretariate, Patiala

....Respondents

Appeal Case No. 4300 of 2019

Present:- Shri Hardiyal Singh, appellant in person.
Shri Boota Singh, Panchayats Secretary alongwith Shri Daljit Singh, Panchayats Officer on behalf of the respondents.

ORDER

This order may be read with previous order dated 29.1.2020 vide which show cause notice was issued to Shri Boota Singh, Panchayats Secretary and Shri Daljit Singh, Panchayats Officer for not supplying the information within stipulated period.

2. The appellant states that he has received information concerning point at Sr. No.2 to his satisfaction but no information has been supplied to him regarding points at Sr. No. 1 & 3.

3. Shri Boota Singh, Panchayats Secretary, places his reply to show cause notice issued to him on 29.01.2020 stating that he has supplied information to point at Sr. No.2 and information regarding points at Sr. No. 1 and 3 concerns BDPO, Patiala which is to be supplied by Shri Daljit Singh, Panchayats Officer before or on 29.01.2020. It is further mentioned that both were present on 29.01.2020 in the office of the Deputy Commissioner, Patiala for appearing through Video Conference Facility but Video Conference facility was cancelled on that date. He further states that he has supplied complete information to the appellant on 22.12.2019 and requests that show cause notice issued to him be withdrawn. Shri Daljit Singh, Panchayats Officer, also places his explanation on the record of the Commission stating that he has given statement on 09.01.2020 that he will provide the information before the next date of hearing i.e. 29.01.2020. It is further mentioned that on 29.01.2020, he visited the office of Deputy Commissioner, Patiala for appearing through Video Conference Facility but employees deployed there stated that today's hearing had been cancelled. They returned back to their office and requests for withdrawn of show cause notice issued to him.

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4. In view of the above written explanation of Shri Buta Singh, show cause notice issued to him is withdrawn. But explanation given by Shri Daljit Singh, Panchayats Officer is not acceptable as he has failed to supply the sought for information till date. Since the responsibility to ensure the timely transmission of the information to the appellant lies on the PIO-Shri Daljit Singh, Panchayats Officer o/o BDPO, Patiala. He is hereby held guilty for not providing the information on time as prescribed under Section 7, which is within 30 days of receipt of the request for seeking information and for repeated and willful defiance of the Punjab State Information Commission's orders. 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 government affairs of the public authorities and their functioning.

5. 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 he has failed to perform his duty as per the mandate of the 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.

6. 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 the 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.

7. Further the Commission is of the view that since the appellant has had to suffer undue inconvenience to get the information, it is a fit case for awarding compensation to the appellant under Section 19(8)(b) of the RTI Act.

8. The PIO-Shri Daljit Singh, Panchayats Officer is directed to pay an amount of Rs.10,000/- via demand draft drawn through Government Treasury as compensation to the appellant for the loss and detriment suffered by him of having to file the appeals and not getting information in time. The PIO is directed to duly inform the Commission of the compliance of the order and submit proof of having compensated the appellant.

9. Also the directions are issued to the respondents to provide the complete information pertaining to Point No. 1 and 3 before the next date of hearing and appear in the Commission personally alongwith the original record.

9. To come up on 09.03.2020 at 11.00 A.M.at Chandigarh.

Dated: 24.02.2020

Shri Daljit Singh, Panchayats Officer,
o/o Block Development and Panchayats Officer, Patiala-1.

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

(Regd.)

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Shri Harpal Singh s/o Sh. Bharpur Singh,
r/o Village Mahaddian,

Teh. & Distt. Fatehgarh Sahib

....Appellant

Vs

Public Information Officer,

o/o Block Development and Panchayat Officer,

Block Bassi Pathana,

District Fatehgarh Sahib

First Appellate Authority,

o/o Addl. Deputy Commissioner (Dev.)

Administrative Complex,

District Fatehgarh Sahib

Shri Harwinder Singh, Panchayat Secretary

c/o Block Development and Panchayat Officer,

Block Bassi Pathana,

District Fatehgarh Sahib

..Respondent

Appeal Case No. 4445 of 2019
(Video Conference Proceedings)

Present:- None on behalf of the appellant.
None on behalf of the respondents.

ORDER

The orders may be read with the previous order dated 29.01.2020, in which it is mentioned that complete information has been provided to the appellant by the respondents during the hearing. The appellant was advised to go through the same and revert back to the authorities, in case of deficiencies, in the information before the next date of hearing.

2. None is present on behalf of the parties without intimation.

3. In compliance to the previous order, the appellant has failed to point out deficiencies to the Commission in writing. In view of his absence and non-pointing out the deficiencies in the information, the Commission is of the considered view that complete information has been provided to the appellant. Hence, the present case is disposed of and closed. Copies of the order be sent to the parties.

Dated: 24.02.2020

sd/-

(Suresh Arora)

Chief Information Commissioner,
Punjab.

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Madhya Marg, Sector 16, Chandigarh.

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Sh. Ankur Goyal, (9216532324)

R/o H No. 76, Balaji-2,

Lohgarh Road,

Zirakpur -140603.

.....Appellant

Vs

Public Information Officer,

O/o Secretary,

Punjab Public Service Commission,

Patiala.

First Appellate Authority,

O/o Secretary,

Punjab Public Service Commission,

Patiala.

.....Respondents

Appeal Case No. 4113 of 2019

(Video Conference Proceedings)

Present:-

None on behalf of the appellant.

Shri Pankaj Kumar, Senior Assistant on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 24.01.2020 vide which the respondents are directed to supply the information before the next date of hearing.

2. In compliance to the previous order, the respondents have supplied complete information to the appellant vide their letter dated 13.02.2020 to him. None is present on behalf of the appellant without intimation. The representative of the respondents states that after the supply of information, no submission has been received from the appellant.

3. After hearing the representative of the respondents and going through the record available on the case file, it is revealed that complete information has been provided to the appellant as per his RTI application for seeking information. Accordingly, the present case is disposed of and closed. Copies of the order be sent to the parties.

sd/-

(**Suresh Arora**)

Chief Information Commissioner

Punjab

Dated : 24.02.2020.

PUNJAB STATE INFORMATION COMMISSION

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Madhya Marg, Sector 16, Chandigarh.

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Sh. Manish Bassi C/o Kailash Bassi,
R/o Model Town, Main Road,
Dasuya, Distt: Hoshiarpur.

.....Appellant

Vs

Public Information Officer,
O/o Executive Engineer, Panchayati Raj,
o/o Block Development & Panchayat Department,
Hoshiarpur.

First Appellate Authority,
O/o District Development & Panchayat Officer,
Mini Secretariat, Hoshiarpur

.....Respondents

Appeal Case .No. 3805 of 2019
(Video Conference Proceedings)

Present:- Shri Kailash Bassi on behalf of the appellant.

Shri Yudhvir Singh, Superintendent alongwith Shri D.S. Multan, Assistant Engineer (Electrical) and Shri Raj Kumar, Executive Engineer, on behalf of the respondents at Chandigarh.

ORDER

This order may be read with reference to the previous order dated 27.01.2020 vide which the appellant was advised to submit public interest involved in seeking the information after a lapse of more than ten years. This case was adjourned for today to be heard at Chandigarh to get the record perused by the Commission regarding supply/receipt of the information.

2. The appellant sent an e-mail on 09.02.2020 stating that his case may be heard through Video Conference Facility. In view of his request, he was allowed to appear through Video Conference Facility and the respondents were directed to appear before the Commission with original record. He further states that no information has been supplied to him by the respondents till date.

3. In the order dated 16.12.2019, it is mentioned that Shri Yudhvir Singh, Superintendent, appearing on behalf of the respondent-DDPO, Hoshiarpur stated that information is available in the office of Executive Engineer, Panchayati Raj, Dasuya, District Hoshiarpur. He was made necessary party to supply the information regarding points at Sr. No.1 to 4. No person appeared on 27.01.2020 on behalf of Shri Raj Kumar, XEN, Panchayati Raj,

Contd.....p/2

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Hoshiarpur. His absence was viewed seriously and he was directed to supply the information before the next date of hearing failing which punitive action will be initiated on the next date of hearing. In response to the order dated 27.01.2020, XEN, Panchayati Raj, Hoshiarpur has sent reply stating that Work order No.2277 dated 05.08.2005 and Measurement Book No.92 are not available in their office.

4. After hearing both the parties and going through the record available on the case file, it is revealed that information has been provided to the appellant except Work Order No.2277 dated 05.08.2005 and M.B. No.92 which is not available in their record. Since the respondents have given in writing the work order No. 2277 dated 05.08.2005 and M.B. No.92 are not available in their record, the Deputy Commissioner, Hoshiarpur is directed to conduct an inquiry and fix responsibility regarding non-availability of record (MB No.92 and Work Order No.2277 dated 05.08.2005). With these observations, the present case is disposed of and closed. Copies of the order be sent to the parties.

Dated: 24.02.2020.

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

CC

Deputy Commissioner,
Hoshiarpur

for information and necessary action.