



Ms. Mandeep Kaur, Advocate,  
R/o Flat No. 19 F,  
Block-Y, Rishi Nagar, Ludhiana.

Appellant

Versus

Public Information Officer,  
O/o Director,Rural Development and  
Panchayat Department, Mohali.

First Appellate Authority,  
O/o Director,Rural Development and  
Panchayat Department, Mohali.

Respondents

**Appeal Case No.656/2019**

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
05.10.2018	Nil	05.09.2018	Nil	03.01.2019

**Present:** Sh.Jagjit Singh on behalf of Smt. Mandeep Kaur, Appellant is present.  
Sh.Kamal Kumar, Senior Assistant, O/o Director, Rural Development & Panchayats, Punjab, Mohali.

**ORDER:**

The following order was passed on 15.05.2019:-

*“The appellant has sought to know the details of the employees in various Block Samitis, whose services have been regularized under the provisions of The Punjab Adhoc, Contractual, Daily Wages, Work Charge and Outsourced Employees Welfare Act, 2016, and the other connected information which has been enumerated in the application dated 05.10.2018. The proxies of the respondents from various offices are present whose attendance has been marked. There is a common refrain that the requisite information has already been sent to the appellant. Some of the officials have brought along the information. As the appellant is present in the V.C. studio, this cannot be handed over in person to her. They are directed to transmit the same by registered post without further delay under intimation to the Commission.*

*The PIO in the office of Director, Rural Development & Panchayats shall monitor it and ensure its supply to the appellant. The PIO's in the field formations are exempted from appearance in the court.”*



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**Appeal Case No.656/2018**

**24.07.2019**

The matter is again taken up today. It transpires that the information sought is available at divisional level. It is reported by the appellant that the information relating to Patiala Division has been transmitted to him whereas he is yet to receive it from the divisions of Jalandhar and Ferozepur. The Divisional Deputy Directors, Jalandhar and Ferozepur divisions are hereby directed to ensure that the sought for information is transmitted to the appellant forthwith. They are also desired to explain the delay. Meanwhile, the respondent says that the information on points No.4 & 7 has already been dispatched and that the pending information has been dispatched yesterday. The Commission feels that it should be in transit. The PIO is directed to ensure the compliance of the order. Failing which serious view shall be taken for further laxity.

To come up on **16.10.2019 at 11.30 AM through Video Conferencing at Ludhiana.**

**24.07.2019**

**Sd/-  
(Yashvir Mahajan)  
State Information Commission**



Sh. Jeeta Singh,  
S/o Sh.Barkat Ram,  
R/o Village Moran Wala,  
Tehsil Jalalabad, District Fazilka.

Appellant

Versus

Public Information Officer,  
O/o Block Development and Panchayat Officer,  
Guruharsahai, District Ferozepur.

First Appellate Authority,  
O/o District Development and Panchayat Officer,  
Ferozepur.

Respondents

**Appeal Case No.826/2019**

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
05.12.2018	Nil	08.01.2019	Nil	25.02.2019

**Present:** **Sh. Jeet Singh, Appellant is absent.**  
**Sh.Buta Masih, Clerk, O/o BDPO Guruharsahai for respondents.**

**ORDER:**

The following order was passed on 29.05.2019:-

*“The appellant has sought to know the details of the amount sanctioned and released under Indira Awaas Yojna in his favour. The respondent represented by Ms. Avtar Kaur, Clerk, states that that the appellant has been informed about the same. The appellant denies having received any information. The respondents are directed to furnish to the Commission a copy of the information reported to have been sent to the appellant. If the same has not reached him, they are again advised to send it to the appellant complete in all respects.”*

Mrs. Shimla Rani, Accounts Clerk who appears on behalf of the BDPO Guruhar Sahai, submits that an amount of Rs.70,000/- was sanctioned under Indira Awas Yojna which was desirable to be disbursed to the beneficiary in three installments. However, Rs.42,000/- out of sanctioned amount could not be remitted due to technical reason. It is a serious step. The Commission directs the BDPO Guruhar Sahai to look it and provide complete information to the information seeker under intimation to the Commission. The Commission further finds that the original application was filed on 15.12.2018. The respondents have failed to provide the information within a stipulated period.



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**Appeal Case No.826/2018**

BDPO/PIO, Guruharsahai is hereby 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.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.

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.”

To come up on **09.10.2019 at 11.30 AM.**

**24.07.2019**

**Sd/-  
(Yashvir Mahajan)  
State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**  
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Sh. Gurdiyal Singh,  
S/o Sh. Mal Singh,  
R/o Village-Dil Singh Wala,  
Tehsil-Jaito, District-Faridkot .

Appellant

Versus

Public Information Officer,  
O/o Block Development and Panchayat Officer,  
Jaito, Faridkot.

First Appellate Authority,  
O/o District Development and Panchayat Officer,  
Faridkot.

Respondents

**Appeal Case No.667/2019**

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
21.07.2018	Nil	12.09.2018	Nil	09.02.2019

**Present:** Sh. Gurdiyal Singh, appellant is present  
Sh. Dharamjit Singh, Panchayat Secretary, O/o BDPO Jaito.

**ORDER:**

The respondent represented by Sh. Dharamjit Singh, Panchayat Secretary submits that the information pertaining to the Department of Rural Development has already been provided to him. However, the information asked for about the toilets having been constructed in the village pertains to the Department of Water Supply and Sanitation.

The appellant admits the partial receipt of information. The part of the application should have been forwarded under Section 6(3) of the Act to the Department of Water Supply and Sanitation. The PIO should now ensure that the information is procured from the Department of Water Supply & Sanitation and delivered to the appellant immediately. The PIO shall also explain the delay as to why he should not be penalized under Section 20(1) of the Act.

To come up on **09.10.2019 at 11.30 AM.**

**24.07.2019**

**Sd/-**  
**(Yashvir Mahajan)**  
**State Information Commissioner**

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Ms. Jaswinder Kaur,  
D/o Sh. Bachan Singh,  
R/o Behbal Kalan, Tehsil-Jaiton,  
Faridkot.

Appellant

Versus

Public Information Officer,  
O/o Block Development and Panchayat Officer,  
Jaiton, District-Faridkot.

First Appellate Authority,  
O/o District Development and Panchayat Officer,  
Faridkot.

Respondents

**Appeal Case No.608/2019**

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
17.11.2018	Nil	18.12.2018	Nil	04.02.2019

**Present:** Sh.Malkiat Singh, on behalf of Jaswinder Kaur, appellant.  
Sh.D.C. Singh, Panchayat Secretary, O/o BDPO Jaitu.

**ORDER:**

The respondent submits that he has just joined and has been informed about this pending application only today. He assures to provide the information within a week from today. While issuing a severe reprimand, the respondents are directed to do the needful and inform the Commission before the next date of hearing positively.

The matter shall be heard on **09.10.2019 at 11.30 AM through Video Conferencing at Faridkot.**

24.07.2019

Sd/-  
(Yashvir Mahajan)  
State Information Commissioner

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Sh. Satish Kumar Bhiri, Advocate,  
S/o Sh. Ram Sarup,  
R/o Ward No. 10, Opposite Nehru Park,  
Jaiton, Faridkot.

Appellant

Versus

Public Information Officer,  
O/o Panchayat Secretary,  
Gram Panchayat, Kotakpura,  
District-Faridkot.

First Appellate Authority,  
O/o Block Development and Panchayat Officer,  
Panjgrai Kalan, District-Faridkot.

Respondents

**Appeal Case No.610/2019**

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
17.11.2018	Nil	18.12.2018	Nil	04.02.2019

**Present:** Sh.Satish Kumar, appellant is absent.  
Sh.Sukhwinder Singh, Panchayat Secretary on behalf of respondent.

**ORDER:**

The appellant is absent. No communication has been received from him.

The respondent Shri Sukhwinder Singh submits that the appellant was asked to deposit Rs.300/- as the cost of information which is comprised in about 100 pages. Having failed to comply with the requirement of deposition cost, the information could not be provided to him. He further says that the appellant even did not follow up his case before the First Appellate Authority by presenting himself in the hearings.

The Commission feels that the appellant is reluctant to remit the cost of information. He is not entitled to the information for having failed to deposit the fee towards cost of information as per Rules framed under the RTI Act. No cause of action remains. **Dismissed.**

24.07.2019

Sd/-  
(Yashvir Mahajan)  
State Information Commission

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Sh. Ashok Kumar, S/o Sh. Satpal,  
R/o Baba Farid Avenue,  
Jail Road,Gurdaspur.

Sh. Ved Prakash,S/o Sh. Lal Chand,  
Village-Meerpur, Jail Road,Gurdaspur

Appellant

Versus

Public Information Officer,  
O/o Block Development and Panchayat Officer,  
Gurdaspur.

First Appellate Authority,  
O/o District Development and Panchayat Officer,  
Gurdaspur.

Respondents

**Appeal Case No.617/2019**

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
21.04.2018	Nil	18.06.2018	Nil	01.02.2019

**Present:** Shri Ashok Kumar, appellant is absent.  
Sh.Harmanvir Singh, Supdt., O/o BDPO Gurdaspur – for respondents.

**ORDER:**

The information sought by the appellant relates to personnel matter of Shri Pardeep Joshi, a Patwari in the Panchayat Samiti of Gurdaspur. The respondent says that the information available with them with regard to a couple of points has been provided. Rest of the information, they say, is not available. Simultaneously, they take the plea that it is personal information of the 3<sup>rd</sup> party and has been denied on the advice of the person concerned. The respondents further say that the appellant Ashok Kumar is a retiree from the department and he is seeking information out of vengeance, rather than serving any public cause. The appellant may like to react to the observations made by the respondents.

The matter shall be reheard on **16.10.2019 at 11.30 AM through Video Conferencing at Gurdaspur.**

**24.07.2019**

**Sd/-**  
**(Yashvir Mahajan)**  
**State Information Commissioner**



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Sh. Jatinder Kumar Sharma,  
S/o Sh. Mohinder Mohan,  
R/o 56-B, Gali No. 0,  
Avtar Nagar, Jalandhar City.

Appellant

Versus

Public Information Officer,  
O/o Assistant Excise and Taxation Commissioner,  
Jalandhar-I.

First Appellate Authority,  
O/o Deputy Excise and Taxation Commissioner,  
Jalandhar Division, Jalandhar.

Respondents

**Appeal Case No.637/2019**

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
03.10.2018	Nil	24.11.2018	11.12.2018	12.01.2018

**Present:** Shri Jatinder Kumar Sharma, Appellant is present.  
None is present on behalf of the respondents.

**ORDER:**

Having failed to procure the information from the PIO and first Appellant Authority, the appellant has been constrained to file 2<sup>nd</sup> appeal in the Commission. Vide his order dated 11.09.2018, the Deputy Excise & Taxation Commissioner, Jalandhar Division had dismissed the appeal on the ground of failure of the appellant to deposit the cost of information.

The appellant says that no specific demand was raised by the respondents. It was incorrect on the part of the Appellant to dismiss the appeal. He further says that the relevant information at this juncture has been rendered irrelevant as it was required and needed at that particular time. He pleads that the respondent has failed to supply the information in violation of section 7(1) of the Act and reiterates that the respondent should be penalized for the infringement of statutory provisions. There is nothing on record to controvert the contention made by the appellant.



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**Appeal Case No.637/2019**

The respondent is hereby issued 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.

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.

**To come up on 16.10.2019 at 11.30 AM through Video Conference at Jalandhar.**

**24.07.2019**

**Sd/-  
(Yashvir Mahajan)  
State Information Commissioner**

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Sh. Amrinder Singh,  
S/o S. Angrej Singh,  
R/o Village- Mehar Singh Wala,  
Tehsil-Zira, Distt. Ferozepur.

Appellant

Versus

Public Information Officer,  
O/o Block Development and Panchayat Officer,  
Zira, Ferozepur.

First Appellate Authority,  
O/o Director,  
Rural Development and Panchayat Department,  
Mohali.

Respondents

**Appeal Case No.649/2019**

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
28.05.2018	Nil	05.09.2018	Nil	29.11.2018

**Present:** Shri Amrinder Singh, appellant is absent.  
Sh.Buta Masih, Clerk, O/o BDPO Zira - for respondents.

**ORDER:**

The appellant is absent today. The respondents represented by Sh.Buta Masih, Clerk O/o BDPO Zira submit that the information comprised in about 500 pages has been despatched by post to the appellant on 06.05.2019.

The Commission finds that there is substantial delay in providing the information. The original application was filed on 05.02.2018 and the information reportedly has been despatched in the month of May, 2019. The appellant may go through the information and report to the Commission about its sufficiency. Meanwhile, BDPO Guruaharsahai shall explain as to why the penalty for the delay beyond 100 days be not imposed as envisaged under Section 20(1) of RTI Act, 2005.

The matter shall be reheard on **09.10.2019 at 11.30 AM through Video Conference at Fazilka.**

**24.07.2019**

**Sd/-  
( Yashvir Mahajan )  
State Information Commissioner**

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Sh. Hardev Singh,  
S/o Sh. Hakam Singh,  
R/o Village-Malout,  
District-Sri Muktsar Sahib.

Complainant

Versus

Public Information Officer,  
O/o Block Development and Panchayat Officer,  
Sri Muktsar Sahib.

Respondent

**Complaint Case No.156/2019**

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
12.11.2018	Nil	Nil	Nil	11.02.2019

**Present: Complainant: Shri Hardev Singh**

**Respondents: Sh.Harjinder Singh, Supdt. O/o BDPO Sri Muktsar Sahib.**

**ORDER:**

The respondent PIO Shri Harjinder Singh states that the information has been conveyed by post to the complainant. The complainant may like to react on its insufficiency..

To come up on **16.10.2019 at 11.30 AM through Video Conferencing at Sri Muktsar Sahib.**

**24.07.2019**

**Sd/-  
(Yashvir Mahajan)  
State Information Commissioner**



Sh. Kuldip Kumar Kaura,  
R/o #5-C, Phase-1, Urban Estate,  
Focal Point, Ludhiana.

Appellant

Versus

Public Information Officer,  
O/o Block Development and Panchayat Officer,  
Sidhwan Bet, Ludhiana.

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

Respondents

**Appeal Case No.1208/2019**

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
20.12.2018	Nil	23.01.2019	Nil	28.03.2019

**Present:** Shri Kuldip Kumar Kaura, Appellant is absent.  
Smt. Amandeep Kaur, Steno, O/o BDPO Sidhwan Bet- for respondents.

**ORDER:**

**The following order was passed on 28.05.2019:-**

*“The appellant has sought a copy of the report of the audit conducted by Local Fund Examiner of the accounts of Gram Panchayat, Village Sidhwan Bet and the follow up action taken by the Department. It deals with the liability on the Sarpanch to make good the loss of funds.*

*The respondents submit that the information has been supplied to him, whereas, the appellant submits that information is deficient and points No.3, 5, 7, 9, 11 & 12 have not been addressed by the respondents. The respondents are directed to look into the same and submit point-wise reply to the Commission besides providing residual information to the appellant.”*

Due to technical glitch, the hearing through video conferencing could not mature.

The appeal shall be heard **through Video Conferencing facility in the office of Deputy Commissioner on 16.10.2019 at 11.30 AM at Ludhiana.**

**24.07.2019**

**Sd/-  
(Yashvir Mahajan)  
State Information Commissioner**

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Sh. T.R Maini, D.A (Retd.)  
R/o 22-B, Rani Ka Bagh,  
Amritsar.

Complainant

Versus

Public Information Officer,  
O/o Financial Commissioner,  
Department of Rural and Panchayat Development,  
SAS Nagar.

Respondent

**Complaint Case No.165/2019**

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
23.11.2018	Nil	Nil	Nil	28.12.2019

**Present:** Shri T.R. Maini, Complainant is present.  
None is present on behalf of respondents.

**ORDER:**

The following order was passed on 15.05.2019.

*“The complainant is aggrieved with the misbehavior meted out to him by one Shri Mangal Singh, Superintending Engineer, Panchayati Raj Circle, Bathinda. He has also made a complaint to the office of Chief Minister, Punjab for appropriate action and is seeking to know status of action having been initiated on his complaint. PIO in the office of Financial Commissioner, Rural Development & Panchayats was desired to respond. The respondents have sought adjournment. The request is acceded to.”*

Shri T.R. Maini is present in the studios. Respondents are absent. The Commission underlines that the complainant is a very senior citizen and his grievance is desirable to be redressed quickly. The Commission takes serious view of the indifference on the part of the respondents. The respondent is once again directed to look into the matter and intimate the action having been taken to the Commission forthwith, failing which the Commission shall be constrained to invoke the penal provisions against the respondents.

The matter shall be heard on **16.10.2019 at 11.30 AM through Video Conferencing at Amritsar.**

**24.07.2019**

**Sd/-  
(Yashvir Mahajan)  
State Information Commission**

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Sh. Darshan Singh,  
S/o Sh. Sadhu Ram,  
R/o H. No. 1751, Islam Ganj, Near Gopal Mandir,  
Near PS Division No.2, Ludhiana.

Appellant

Versus

Public Information Officer,  
O/o Superintendent,  
Health Branch, Midda Chowk,  
Municipal Corporation, Ludhiana.

First Appellate Authority,  
O/o Commissioner,  
(Health Branch) Municipal Corporation,  
Ludhiana.

Respondents

**Appeal Case No.1552/2018**

Date of RTI application: 09.01.2018  
Date of First Appeal : 26.02.2018  
Date of Order of FAA or Reply: 15.03.2018  
Date of 2<sup>nd</sup> Appeal/complaint: 24.04.2018

**Present: Adv. Deepti Saluja, Counsel for the Appellant.**  
**Dr. Vipin Malhotra, PIO – cum – Health Officer, MC Office, Ludhiana – for Respondents.**

**ORDER**

**This case was pronounced through video conferencing.**

Arguments were heard on 08.05.2019. Order was reserved for pronouncement on 24.07.2019.

The following order was passed by this forum on 27.02.2019:

*“The respondents claim exemption from revelation of information under Clause ‘J’ of Section 8(1) of the Act. The appellant refutes their contention in the face of a criminal case having been registered against him. Be that as it is, the respondents are directed to file a written reply to the Commission with an advance copy to the appellant who may like to file a rejoinder on the same before the next date of hearing.”*

*“The case has come up today. As already observed the respondents deny it on the ground of unwarranted interference into the personal information of someone. The appellant is alleging that the third party has procured a job by some foul play and impersonation. In such a scenario, the truth should prevail. Invoking the proviso of Section 8(2) whereof the larger public interest outweighs the personal harm, if any, the Commission overrules the defence taken by the respondents and directs them to pass on the information under intimation to the Commission.”*

*The case has again come up today for hearing. The status quo remains. Apparently,*

Contd....page...2



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**Appeal Case No.1552/2018**

*the respondents have refused to comply with the order of the Commission. The Commission takes it as a willful attempt of suppression of information by the respondents. The PIO has rendered himself liable for penal consequences having controverted the provisions of Section 7(1) of the RTI Act.*

*Dr. Vipin Malhotra, PIO – cum – Health Officer, MC office, Ludhiana 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 Appellant be not awarded to the Complainant 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. 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 matter has come up today. Dr. Vipin Malhotra is present in the court and has filed an affidavit as a reply to the show cause notice. He has submitted that the information sought could be accessed from two sources i.e. his service book and service file. He states that they have not been able to trace his service file despite their best efforts. His service book was in movement for the entry of a proficiency stop up and as such the information could not be provided within the stipulated period. More so, the concerned official had requested the PIO not to part with the information. Nonetheless in compliance with the

*Contd....page...3*





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**Appeal Case No.1552/2018**

orders of the Commission, the information available in his service book has been supplied to the appellant.

The appellant is aggrieved that Sh. Surinder Kumar, to whom the information relates, has fraudulently procured the job on compassionate grounds of demise of his father. The appellant maintains that he was the rightful claimant.

The Commission feels that the available information with the Public Authority has been provided. However, the Director in the Department of Local Government may like to look into allegations made by the appellant and take appropriate action. While accepting the explanation provided by the PIO, the show cause notice is filed and the appeal is **disposed**.

**24.07.2019**

**Sd/-  
(Yashvir Mahajan)  
State Information Commissioner**

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Sh. Darshan Singh,  
S/o Sh. Sadhu Ram,  
R/o H. No. 1751, Islam Ganj, Near Gopal Mandir,  
Near PS Division No.2, Ludhiana.

Appellant

Versus

Public Information Officer,  
O/o Superintendent,  
Health Branch, Midda Chowk,  
Municipal Corporation, Ludhiana.

First Appellate Authority,  
O/o Commissioner,  
(Health Branch) Municipal Corporation,  
Ludhiana.

Respondents

**Appeal Case No.1552/2018**

Date of RTI application: 09.01.2018  
Date of First Appeal : 26.02.2018  
Date of Order of FAA or Reply: 15.03.2018  
Date of 2<sup>nd</sup> Appeal/complaint: 24.04.2018

**Present: Adv. Deepti Saluja, Counsel for the Appellant.**  
**Dr. Vipin Malhotra, PIO – cum – Health Officer, MC Office, Ludhiana – for Respondents.**

**ORDER**

**This case was pronounced through video conferencing.**

Arguments were heard on 08.05.2019. Order was reserved for pronouncement on 24.07.2019.

The following order was passed by this forum on 27.02.2019:

*“The respondents claim exemption from revelation of information under Clause ‘J’ of Section 8(1) of the Act. The appellant refutes their contention in the face of a criminal case having been registered against him. Be that as it is, the respondents are directed to file a written reply to the Commission with an advance copy to the appellant who may like to file a rejoinder on the same before the next date of hearing.”*

*“The case has come up today. As already observed the respondents deny it on the ground of unwarranted interference into the personal information of someone. The appellant is alleging that the third party has procured a job by some foul play and impersonation. In such a scenario, the truth should prevail. Invoking the proviso of Section 8(2) whereof the larger public interest outweighs the personal harm, if any, the Commission overrules the defence taken by the respondents and directs them to pass on the information under intimation to the Commission.”*

*The case has again come up today for hearing. The status quo remains. Apparently,*

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*the respondents have refused to comply with the order of the Commission. The Commission takes it as a willful attempt of suppression of information by the respondents. The PIO has rendered himself liable for penal consequences having controverted the provisions of Section 7(1) of the RTI Act.*

*Dr. Vipin Malhotra, PIO – cum – Health Officer, MC office, Ludhiana 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 Appellant be not awarded to the Complainant 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. 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 matter has come up today. Dr. Vipin Malhotra is present in the court and has filed an affidavit as a reply to the show cause notice. He has submitted that the information sought could be accessed from two sources i.e. his service book and service file. He states that they have not been able to trace his service file despite their best efforts. His service book was in movement for the entry of a proficiency stop up and as such the information could not be provided with in the stipulated period. More so, the concerned official had requested the PIO not to part with the information. Nonetheless in compliance with the

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orders of the Commission, the information available in his service book has been supplied to the appellant.

The appellant is aggrieved that Sh. Surinder Kumar, to whom the information relates, has fraudulently procured the job on compassionate grounds of demise of his father. The appellant maintains that he was the rightful claimant.

The Commission feels that the available information with the Public Authority has been provided. However, the Director in the Department of Local Government may like to look into allegations made by the appellant and take appropriate action. While accepting the explanation provided by the PIO, the show cause notice is filed and the appeal is **disposed**.

**24.07.2019**

**Sd/-  
(Yashvir Mahajan)  
State Information Commissioner**