

**PUNJAB STATE INFORMATION COMMISSION**

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

Ph: 0172-2864101, Fax 0172-2864110 Helpline 0172-2864100

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Whatsapp No. 62848-20189 Cisco Webex: 158 708 3455



Er. Arun Garg s/o Shri Sham Lal,  
#40-41, Central Town,  
Village DAD, PO Lalton Kalan,  
Distt. Ludhiana.

Appellant

Public Information Officer,  
Deputy Commissioner,  
Ludhiana

First Appellant Authority,  
Deputy Commissioner, Ludhiana

Respondents

Appeal Case No. 1959 of 2021

Present : Shri Arun Garg the appellant.

Shri Rachpal Singh, APIO 9464362175 and Sh. Paramjot Singh Junior Asstt. Peshi  
Branch 7087090990 o/o Deputy Commissioner, District Ludhiana on behalf of  
the respondents

**ORDER**

This order may be read with the reference to the previous order dated 15.7.2021.

2. The appellant states that he has sought the status and action taken on his letter sent through email dated 2.12.2018 of the respondent through his RTI application dated 13.10.2020. The appellant further states that the RTI application was sent back by the respondent vide letter no.1976 dated 4.11.2020) contending that the said letter/email has not been received in the office. The appellant further states that the letter/email was written to ACS Home and the respondent authority but the ACS Home has received the same and replied too but the respondent authority is stating that the same has not been received. The appellant has also sent an email to the Commission on 23.8.2021 along with the orders of Central Information Commissioner Prof. M. Sridhar Acharyulu(Madabhushi Sridhar) dated 29.8.20214 ( Sh Om Parkash vs Land and Building Deptt, GNCTD )and dated 20.4.2017 (Balender Kumar vs M/O labour and Employment) on the" Case of missing file". The email is taken on the record. He has also requested to pass an order for enquiry for the loss of his application dated 2.12.2018 sent to the respondent through email and also requested to impose penalty upon the respondent PIO.

3. However, the representative of the respondent states that the report of receipt/non

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receipt of an email was taken from the Record/Issue Branch and they have responded that no such email has been received and thereafter the RTI application was sent back to the appellant in original with the request to re-send the copy of letter/email so that appropriate action may be taken on the same. The written response in this regard has already placed on file.

7. After hearing the submissions made by both the parties and going through the case file, it is surprised to note the submission of the respondent authority that he has not received the letter/email whereas the said email has been received by another authority i.e. ACS Home and replied too. Also an email of the respondent authority has been verified and the email was correctly sent by the appellant at [dc.ldh@punjab.gov.in/dc.ldh@punjabmail.gov.in](mailto:dc.ldh@punjab.gov.in/dc.ldh@punjabmail.gov.in). Although, the bench is of the considered view that the respondent authority has already made an effort to search the email /letter of the appellant on the one hand and requested the appellant to provide the copy of the same to take appropriate action in the matter on the other, which shows that the respondent has never had any malafide intention as not to provide the information. But it is also a fact on record that the appellant has filed another case bearing No. appeal case no. 1313 of 2019 in which the email of the appellant was also misplaced and due to this lapse, a show cause notice was also issued to Shri Prabjit Singh, Senior Assistant by the respondent authority and he had filed the reply regarding show cause notice issued to him. But no such action taken has been submitted by the respondent in this case which needs to be looked into, as the missing letter/email is considered to be a serious matter. Therefore, the copy of the case file is being **sent** to the Deputy Commissioner, Ludhiana with the directions to examine the issue and take appropriate action in the matter.

8. Keeping in view of the above, the respondent Public Information Officer is hereby, directed to file an affidavit duly sworn in this case before the next date of hearing.

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9. Both the parties are directed to remain present on the next date of hearing.

10. To come up on 24.09.2021 at 1.15 PM at Chandigarh.

Sd  
(Maninder Singh Patti)  
State Information Commissioner  
Punjab

sd  
(Lt.Gen. Ajea Kumar Sharma (Retd.))  
State Information Commissioner  
Punjab

sd  
(Suresh Arora)  
Chief Information Commissioner  
Punjab

Dated 24.8.2021

PS/SIC(MSP)

PS/SIC(AKS)

CC

Sh. Varinder Kumar, IAS  
Deputy Commissioner,  
Ludhiana

**Registered**

For Compliance