

PUNJAB STATE INFORMATION COMMISSION

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

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

Appellant

Public Information Officer,
District Magistrate cum Deputy Commissioner,
Ludhiana

First Appellant Authority,
Addl. Deputy Commissioner, Ludhiana

Respondents

Appeal Case No. 1313 of 2019

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 7.6.2021 passed by Hon'ble Lt. Gen. Ajae Kumar Sharma (Retd), State Information Commissioner. The above titled case was fixed for hearing by the Full Bench on 25.8.2021 as has been constituted by the Punjab State Information Commission to hear this case.

2. The appellant has sought the following information.

neatly seriatim in English giving indexed list of all provided documents showing serial number & total number of pages; regarding ਜੇਨੂੰ ਵਿਚ ਬੰਦੀ ਹੁੰਦੇ ਹਸਪਤਾਲ ਅਤੇ ਦਵਾਈਆਂ ਤੇ ਖਰਚ ਕੀਤੇ ਰੁਪਏ ਜਾਰੀ ਕੀਤੇ ਜਾਣ ਲਈ ਬੇਨਤੀ-ਪੱਤਰ application dated 22-11-2013 submitted by applicant on date 22/11/13 to the office received by Peshi Branch vide no. 22066 dated 02.12.2013:-

- (01) No. assigned to application along with date by this or any other office
- (02) Date-wise action taken and present status of the application along with attested copies of application with all annexure and file noting(s) etc. bearing clear stamp, signature & name of attesting authority.
- (03) Law/rule/statutory provision relating to action(s) taken on the application.
- (04) Name(s) & designation(s) of all concerned officers/officials who participated in action taken on the application and/or whose signature appear on any document relating to the application.
- (05) Concerned law providing attested copy thereof, in case the information is denied on any ground or any record is claimed not maintained or not available.
- (06) Information regarding availability of complete/any part of sought information on internet through official web-site and its access to public along with addresses of concerned web-pages.
- (07) Names & designations with full official address, mobile, e-mail of PIO/APIO & FAA.

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2. The appellant has sent an email 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 sent by the appellant is taken on record. The appellant also reiterated the same and requested to pass an order for an enquiry for the loss of his application dated 22.11.2013 sent to the respondent-Public Information Officer through email and requested the bench to impose the penalty upon the respondent Public Information Officer.

3. However, the representative of the respondents states that the said email has not been traced in spite of the best effort made by the office. He also states that the same has already been informed to the Commission from time to time and an affidavit dated 4.11.2019 has also been filed in this regard. In addition, he further states that due to the reason that the email of the appellant was not traced, the appellant was requested time and again to provide the copy of un-traceable letter/email dated 22.11.2013 action taken of which has been sought by him, so that appropriate action can be taken. But the appellant has not provided the same till now. The representative of the respondent submits the copy of office noting (taken on record) which shows internal inquiry had also been initiated to find the fact pertaining to the said untraceable letter/email of the appellant. The respondent has also submitted response vide letter no. 2048 dated 23.8.2021, which is taken on record.

4. It is pertinent to mention the relevant part of the judgement categorically mentioned by the appellant given by the Central Information Commission (File No. CIC/DS/A/2013/001788-SA) in Sh. Om Prakash Vs Land & Building Dept, GNCTD decided on 29.8.2014 regarding the missing file , which is reproduced below:-

"Para-15 - It is the duty of the Public Authority to find out the alternative, if the file could not be traced even after thorough search and to provide necessary relief to the

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appellant who is seeking information about his right to get alternative plot, in lieu of the land acquired by the Government during 1986-87, Shapur Village, Kapashera Revenue District Delhi.”

6. Public authority considered the alternative to provide relief to the appellant by asking him to provide a copy of the letter dated 22.11.2013 so that necessary action can be taken in this regard. However the appellant did not provide the copy despite repeatedly asking by the public authority. It is also a fact on record that the information sought related to the appellant, who was in judicial custody. The respondent has already sent the request of the appellant, received through email dated 14.1.2021 to Superintendent, Central Jail, Ludhiana. It has also been brought to the notice of the Commission that the appellant did not appear before the Superintendent, Central Jail, Ludhiana to resolve his issue.

7. After hearing the submissions made by both the parties and going through the case file, 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. The respondent authority has already filed an affidavit pertaining to the non traceable of the letter/email of the appellant. It is also a fact on record that due to this lapse, a show cause notice had been 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 the respondent has not submitted the present status of the show cause notice issued to the employee 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. As far as supply of the sought information in this case is concerned, the timely reply of

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the respondent-Public Information Officer does not show any malafide intention on the part of the public authority. Therefore, the Commission is of the view that no further directions can be given to the respondent-Public Information Officer in accordance with the provisions of the RTI Act, 2005. Therefore, the case is disposed of and closed.

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

CC

PS/SIC(MSP)

PS/SIC(AKS)

Sh.Varinder Kumar, IAS
Deputy Commissioner,
Ludhiana

Registered

For Compliance