

PUNJAB STATE INFORMATION COMMISSION

RED CROSS BUILDING, NEAR ROSE GARDEN,

SECTOR 16, CHANDIGARH.

Ph: 0172-2864112, Email: - psic23@punjabmail.gov.in

Visit us: - www.infocommpunjab.com; Helpline No. 0172-2864100



Shri Sukhwinder Rattan, (98150 65123)
R/o H. No. 214/107, Krishna Street,
Doraha, Ludhiana - 141421

...Appellant

Versus

Public Information Officer,
O/o Executive Officer,
Municipal Council, Kurali,
District S.A.S. Nagar (Mohali).

First Appellate Authority
O/o Regional Deputy Director,
Urban Local Bodies,
Patiala.

...Respondents

APPEAL CASE NO. 24 OF 2022 **(Cisco Webex Proceedings)**

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 Appeal/Complaint filed in the Commission
22.11.2019	-	03.02.2020	-	17.12.2021

PRESENT: Shri Sukhwinder Rattan, Appellant.
None on behalf of the Respondents.

ORDER (THIRD HEARING):

This order may be read with the reference to the order dated 27.07.2022 passed by this Bench on the previous hearing.

2. The Appellant states that he has received the information except point no. 1, 5 and 7 of his RTI application dated 22.11.2019.

3. The PIO is again absent for today's hearing and he was also absent on the last hearings dated 02.05.2022 and 27.07.2021, inspite of the Notice/Orders of the Commission. This shows his disregard to the Commission. The absence of the PIO is viewed seriously and it has also affected hearing and disposal of the case.

4. The perusal of the case reveals that the PIO is neither provides the complete information nor an Affidavit, but till date complete information has not been supplied to the appellant after the lapse of the 34 months period.

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APPEAL CASE NO. 24 OF 2022

5. In view of the above, a **SHOW CAUSE NOTICE** under Section 20(1) of the RTI Act is issued to the Public Information Officer O/o Executive Officer, Municipal Council, Kurali, District S.A.S. Nagar (Mohali), as to why penalty should not be imposed upon him for wilful delay/denial in supplying the information to the RTI applicant and why the compensation be not awarded to the appellant under the provisions of the RTI Act, 2005.

6. The PIO is directed to file a reply in response to the Show Cause Notice and appear personally, on the next date fixed.

7. The PIO is again directed to provide the remaining information to the appellant, before the next date of hearing. In case information sought by the appellant is not available in the official records, then PIO is directed to file an Affidavit in this regard and produce the same before the Bench, on or before the next date of hearing, failing which **penalty of Rs. 25000/-** will be imposed upon him.

8. The matter is adjourned to **12.10.2022 at 11:30 AM in the Commission.**

Chandigarh
24.08.2022

Sd/-
(Maninder Singh Patti)
State Information Commissioner, Punjab

The copy is forwarded to the following for information and necessary action (Regd. Post):

The Director,
Department of Local Government, Punjab,
Municipal Bhawan,
Sector -35, Chandigarh.

Public Information Officer,
O/o Executive Officer,
Municipal Council, Kurali,
District S.A.S. Nagar (Mohali).

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Shri Sunil Kumar Joshi, (94169 00129)
R/o Flat No. 404, GHGS 43,
Sector – 20, Panchkula.

...Appellant

Versus

Public Information Officer,
O/o Assistant Inspector General of Police,
Bureau of Investigation, Punjab Police,
Punjab Police H.Q. Sector - 9, Chandigarh.

First Appellate Authority
O/o Assistant Inspector General of Police,
Bureau of Investigation, Punjab Police,
Punjab Police H.Q. Sector - 9, Chandigarh.

...Respondents

APPEAL CASE NO. 1785 OF 2021

(Cisco Webex Proceedings)

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 Appeal/Complaint filed in the Commission
19.08.2020	-	15.02.2021	-	07.04.2021

PRESENT: Shri Sunil Kumar Joshi, Appellant.
Shri Amrit Singh, Sr. Assistant (98775 89262) on behalf of the Respondents

ORDER (NINTH HEARING):

This order may be read with the reference of previous order dated 26.07.2022.

2. The Appellant states that the complete information has not been provided to him by the PIO till date.
3. The Respondent states that the information sought by the appellant is being considered at office level. He further requests that some more time be given to him to provide the information to the appellant.
4. After perusal of the case file, it is revealed that in this penalty of Rs. 10000/- imposed on the PIO vide order dated 26.07.2022 due to non supply of the demanded information to the appellant within the stipulated period.

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-02-

APPEAL CASE NO. 1785 OF 2021

5. The Respondents are being represented by very low level officials who are not in a position to satisfy the Commission and the appellant. From the next date of hearing, no person less than PIO or APIO will be allowed to appear. Appearance of low level officials will amount to disrespect to the RTI Act besides invoking the provisions of imposition of penalty and also award of compensation to the complainant and also recommendation of disciplinary action against PIO under Section 20(2) of RTI Act, 2005.

6. In view of the above, the penalty amount is increased from Rs.10000/- to Rs.25000/- which is to be deducted from the salary of the PIO and deposited in the State Treasury, failing which disciplinary action will be initiated against him under section 20(2) of the RTI Act, 2005.

7. The Drawing and Disbursing Officer O/o Bureau of Investigation, Punjab Police, Chandigarh is directed to deduct the amount of penalty of **Rs. 25000/- (Twenty Five Thousand Rupees Only)** from the salary of the PIO –cum – Assistant Inspector General of Police O/o Bureau of Investigation, Punjab Police, Chandigarh 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
- 0800 – Other Receipts
- 86-Fee under the RTI Act, 2005

8. The Director General of Police, Punjab is directed to look into this case and ask for their explanation as to why PIO/APIO did not bother to come himself or to send responsible official to attend the proceedings in the Commission.

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-03-

APPEAL CASE NO. 1785 OF 2021

9. The matter is adjourned to 12.10.2022 at 11:30 AM in the Commission.

Chandigarh
24.08.2022

Sd/-
(Maninder Singh Patti)
State Information Commissioner, Punjab

Copy is forwarded to the following for information and further necessary action (Regd. Post)

1. **The Director General of Police,**
Punjab Police Headquarter,
Sector – 9, Chandigarh.
2. **The Inspector General of Police,**
O/o Bureau of Investigation, Punjab,
Punjab Police Headquarter,
Sector – 9, Chandigarh.
3. **The Assistant Inspector General of Police – cum – PIO,**
O/o Bureau of Investigation, Punjab,
Punjab Police Headquarter,
Sector – 9, Chandigarh.
4. **The Drawing & Disbursement Officer,**
O/o Bureau of Investigation, Punjab,
Punjab Police Headquarter,
Sector – 9, Chandigarh.

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Shri Harpal Singh, (99142 17536)
S/o Shri Arjan Singh,
Village Zahadpur, P.O. Jaito Sarja,
Batala, District Gurdaspur – 143505

...Appellant

Versus

Public Information Officer,
O/o Tehsildar,
Batala, District Gurdaspur.

First Appellate Authority
O/o Deputy Commissioner,
Gurdaspur.

...Respondents

APPEAL CASE NO. 2405 OF 2021 **(Cisco Webex Proceedings)**

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 Appeal/Complaint filed in the Commission
26.02.2021	-	01.04.2021	-	20.05.2021

PRESENT: Shri Harpal Singh, Appellant.
Shri Lakhwinder Singh, Tehsildar – cum – PIO (98781 77475) (On Telephone)

ORDER (FIFTH HEARING):

This order may be read with the reference to the order dated 26.07.2022 passed by this Bench on the previous hearing.

2. The PIO is attending the hearing through Cisco Webex but due to some technical problem subsequently he is contacted on his mobile phone and he states that he has recently joined this office on 23.07.2022 and his predecessor had told him that the information sought has already been provided to the appellant vide letters dated 01.09.2021, 02.02.2022 and 28.06.2022. He further requests that the order regarding award of compensation may be withdrawn and a detailed reply in this regard has already been submitted in the Commission.

3. The Appellant states that incomplete information has been provided to him.

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-02-

APPEAL CASE NO. 2405 OF 2021

4. The Appellant is advised to point out deficiencies in the provided information in writing to the PIO, under intimation to the Commission. The PIO is also directed to remove the deficiencies, if any, received from the appellant.

5. The PIO is further directed to bring along the aforementioned information supplied to the appellant on the next date fixed. In case information sought by the appellant is not available in the official records, then PIO is directed to file an **Affidavit/Undertaking** in this regard and produce the same before the Bench, on the next date of hearing, failing which strict action will be initiated against him as per provisions of the RTI Act, 2005. Both the parties are directed to appear personally, before the BENCH in the COMMISSION.

6. With aforesaid directions, the matter is adjourned to **12.10.2022 at 11:30 AM.**

Chandigarh
24.08.2022

Sd/-
(Maninder Singh Patti)
State Information Commissioner, Punjab

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Shri Gurjot Singh, (77103 01226)
S/o Shri Bhupinder Singh,
R/o Village Dhode, Block Dehlon,
Tehsil & Distt Ludhiana.

....Appellant

Versus

Public Information Officer,
O/o Block Development and Panchayat Officer,
Dehlon, District Ludhiana.

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

....Respondents

APPEAL CASE NO. 3734 OF 2021 (Cisco Webex Proceedings)

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 Appeal/Complaint filed in the Commission
18.08.2020	-	18.08.2020	-	21.10.2021

PRESENT: Shri Gurjot Singh, Appellant.
None on behalf of the Respondents

ORDER (FOURTH HEARING):

This order may be read with the reference to the order dated 18.07.2022 passed by this Bench on the previous hearing.

2. The Appellant states that the incomplete information has been provided to him.
3. The PIO is absent. The PIO has not provided complete information to the Appellant. The Appellant has also highlighted that till date complete information has not been provided to him. It clearly shows that there is a **delay of about 24 months** for not supplying the information to the Appellant, which is definitely on a higher side and cannot be given a go by. Besides, the then PIO O/o B.D.P.O., Block Dehlon, District Ludhiana seems totally unmindful and indifferent to the orders issued by the Commission on a number of occasions and he has openly defied the same, before reaching to the conclusion, it is relevant to reproduce the last order of the Commission: -

Cont...Pg02

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-02-

APPEAL CASE NO. 3734 OF 2021

“xxx

xxx

xxx

1. *This order may be read with the reference of previous order of the Commission dated 08.06.2022*
2. *Respondent, Sh. Narinderjeet Singh stated that information sought by the appellant has been provided to him through registered post dated 15.07.2022.*
3. *Appellant, Sh. Gurjot Singh stated that he is not satisfied with the information.*
4. *In view of the above observations, the PIO is directed to provide an additional reply to the appellant on all of the points raised in the RTI application as per RTI 2005. On these points, the PIO is directed to offer inspection of the relevant available records to the appellant at a mutually convenient date and time. The appellant is directed to avail of the said offer, failing which no further opportunity will be provided to him.*
Another opportunity is given to both the parties to present the case on next date of hearing positively, failing to which the case would be decided on merit basis
5. *To come up on 24.08.2022 through Cisco Webex at 11:00 am.*

4 Thus, the Commission draws the inference that the PIO, without any reasonable cause, has malafidly delayed information and thus, has rendered himself liable for punishment as provided under the RTI Act, 2005. He was given a number of opportunities to provide the information to the Appellant but he is delaying the matter on one pretext or the other. In these circumstances, **Shri Gurminder Singh, PIO – cum – BDPO O/o Block Development & Panchayat Officer, Block Dehlon, District Ludhiana** is held guilty of default on the above score.

5. The facts of this case also proved beyond any doubt that the respondent PIO concerned does not deserve any kind of leniency. Hence, in exercise of the powers conferred by Section 20(1) of the RTI Act, 2005, **a penalty to the tune of Rs. 10,000/- (Rupees Ten thousand only)** is imposed upon **Shri Gurminder Singh, PIO – cum – BDPO O/o Block Development & Panchayat Officer, Block Dehlon, District Ludhiana** to be deducted from his salary, which is to be deposited in the State Treasury under the relevant head.

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-03-

APPEAL CASE NO. 3734 OF 2021

Hence, in exercise of the powers conferred by Section 20(1) of the RTI Act, 2005, **a penalty to the tune of Rs. 10,000/- (Rupees Ten thousand only)** is imposed upon Shri Gurminder Singh, PIO – cum – BDPO O/o Block Development & Panchayat Officer, Block Dehlon, District Ludhiana to be deducted from his salary, which is to be deposited in the State Treasury under the relevant head.

6. The Drawing and Disbursing Officer O/o District Development & Panchayat Officer, District Ludhiana is directed to deduct the amount of penalty of Rs. 10000/- from the salary of Shri Gurminder Singh, PIO – cum – BDPO O/o Block Development & Panchayat Officer, Block Dehlon, District Ludhiana 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
- 0800 – Other Receipts
- 86-Fee under the RTI Act, 2005

7. The case is adjourned to **19.10.2022 at 11:30 AM in the Commission.** Both the parties are directed to present their case personally.

Chandigarh
24.08.2022

Sd/-
(Maninder Singh Patti)
State Information Commissioner, Punjab

Copy is intimation and further necessary Action: - (Regd. Post)

- 1) **The District Development & Panchayat Officer,**
Ludhiana.
- 2) **The Drawing & Disbursing Officer,**
O/o District Development & Panchayat Officer, Ludhiana.
- 3) **Shri Gurminder Singh,**
PIO – cum – BDPO
O/o Block Development & Panchayat Officer,
Block Dehlon, District Ludhiana.