



By Registered Post

Smt. Surjit Kaur
R/o H.No.1634, Sector-70,
SAS Nagar (Mohali).

Appellant

Versus

Public Information Officer,
O/o Municipal Corporation,
Mohali.

First Appellate Authority
O/o Joint Commissioner,
Municipal Corporation,
Mohali.

Respondents

Appeal Case No.1316/2019

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
19.06.2018	Nil	05.10.2018	Nil	04.04.2019

Present: Appellant- Sh. K.N.S. Sodhi, Proxy.
Respondents- Sh. Anil Kumar, XEN.

ORDER:

The following order was passed on 05.09.2019:-

06.06.2019

“The appellant has sought information about the tube-wells installed in the area of Municipal Corporation, Mohali besides some allied information. The respondents state that by and large the requisitions made in the application have been addressed to. However, the information pertaining to Executive Engineer, Division No.2, Water Supply & Sanitation is still wanting. The respondents are desired to arrange to provide the aforesaid information promptly to the appellant. They are also required to explain the delay in writing before the next date of hearing, failing which the penal consequences shall follow.”

23.07.2019

The case has come up today. Sh. Sidharath Singh Rana, Junior Engineer is present from Sub Division No.8 of Water Supply & Sanitation Department. He submits that the information sought and as mentioned in the aforesaid order has been delivered in person to the appellant. As the appellant is absent, the Commission presumes that she is satisfied

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with the information supply to her.

Sh.Sidharath Singh Rana submitted a copy of the same which has been taken on record.

Hopefully, the same is found to be in order. The Commission finds that a part of the information has been significantly delayed. The appellant may like to go through it and advert on the information supplied to her. Meanwhile, the Executive Engineer, Water Supply & Sanitation Department, Division No.2, Mohali is directed to explain the delay. He 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 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.

Since the Municipal Corporation is not in the custody of the information sought for, their presence is exempted.

05.09.2019

The case has again come up today. Sh. Anil Kumar, XEN, is present. The appellant says that the reply filed by the respondents on his observations sent to them on

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03.09.2019 has been evasive and is not specific to the queries made by him. His observations are handed over on spot to Sh. Anil Kumar, XEN. He is desired to send him the specific information available with regard to the same.”

The case has come up today. The respondents say that the information has been provided. Having perused the file, the Commission finds that the appellant has been informed with reference to her application.

The Commission notes with concern that needless delay has been taken by the respondents in providing the information. The deemed PIO in the office of XEN, Department of Water Supply and Sanitation, was duly informed by the PIO in the Municipal Corporation. However, he has dealt the application very lackadaisically. It has taken almost relentless pursuit of a year by the appellant to procure the information.

The Commission observes that the deemed PIO in the office of XEN, Department of Water Supply and Sanitation has failed to meet his obligation under Section 7 (1) of the RTI Act and thus, has rendered himself for a imposition of penalty. He has not come up with a satisfactory response to the show cause notice. Therefore, exercising its authority under section 20 (1) of the RTI Act, the Commission imposes a penalty of Rupees 10000/- (Rupees Ten Thousand only) in lump sum on the Sh. Anil Kumar, XEN, Department of Water Supply and Sanitation, Mohali (the delay is beyond 100 days). The Drawing & Disbursing

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Officer is directed to deposit the amount of penalty in the government Treasury in two equal installments from his salary from the month of January, 2020 under head given below:

- 0070-Other Administrative Services
- 60 Other Services
- 800 Other Receipts
- 86 Fee under RTI Act, 2005

A copy of the challan shall be sent to the Commission positively.

As the appellant has been put to undue inconvenience and harassment, he is awarded a compensation of Rs.3,000/- which shall be paid to him through a bank draft by the public authority from its own account.

Diposed.

24.10.2019

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

CC: The Principal Secretary, Department of Water Supply and Sanitation, Sector-54, SAS Nagar.