



Sh Hardiyal Singh, S/o Sh Jaswant Singh,
R/o Balol Patti, Village Choke,
Tehsil Maur, Distt Bathinda.

... Complainant

Versus

Public Information Officer,
O/o EO, Nagar Panchayat,
Chaoke, Tehsil Maur,
Distt Bathinda.

...Respondent

Complaint Case No. 363 of 2020

PRESENT: None for the Complainant
Sh.Bharatvir Singh, EO-Nagar Panchayat Mahiraj for the Respondent

ORDER:

The complainant through RTI application dated 05.12.2019 has sought information regarding the copy of bills for the work done under section 35-A in village Panchayat Chauke – streets constructed alongwith street number & expenditures – date of tenders passed – earth filling in the village – number of parks developed – panchayat land given on lease from year 2014 with income generated – Dharamshala constructed with expenses and other information as enumerated in the RTI application concerning the office of EO Nagar Panchayat, Chaoke, Tehsil Maur District Bathinda. The complainant was not provided with the information after which the complainant filed a complaint in the Commission on 28.06.2020.

The case first came up for hearing on 09.03.2021 through video conferencing at DAC Bathinda. The complainant claimed that the PIO had not provided the information. The complainant further informed that he received a letter from the PIO on 16.03.2020 vide which the PIO had denied the information and asked him to inspect the record and get the information.

The respondent was absent. The Commission observes that there has been an enormous delay in attending to the RTI application. The PIO was issued a **show-cause notice under Section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time and directed to file a reply on an affidavit. Further**, if there are other persons responsible for the delay in providing the information, the PIO was directed to inform such persons of the show cause and direct them to appear before the Commission along with the written replies.

The PIO was again directed to provide the information to the complainant within 10 days of the receipt of the order.

On the date of hearing on **15.06.2021**, the respondent was again absent nor had filed any reply to the show cause notice as well as not provided the information.

Keeping the above-mentioned facts of the case, to secure an erring PIO's presence before the commission, the PIO-Estate Officer, Nagar Panchayat, Chauke, District Bathinda was issued a bailable warrants under section 18(3) of the RTI Act through Senior Superintendent of Police, Bathinda for his presence before the Commission on **22.09.2021**.

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On the date of the hearing on 22.09.2021, the PIO-Estate Officer, Nagar Panchayat Chouke was absent.

Sh.Jagjit Singh, Panchayat Secretary, Gram Panchayat, Chouke appeared on behalf of BDPO Rampura and informed that the Nagar Panchayat Chouke has been denotified in December 2020 and converted into a Gram Panchayat which is under the control of BDPO Rampura and the BDPO-Rampura is the PIO in this case. The respondent,, however, did not know about the status of the case.

The BDPO-Rampura was absent. The Commission received a copy of letter dated 20.09.2021 through email from the BDPO-Rampura vide which BDPO had asked EO-NC Maur to appear before the Commission on the date of hearing since the record relates to Nagar Panchayat Chouke and had to be presented by their office.

As per information from the office of Local Govt. Pb Chandigarh, Sh.Bhartvir Singh was the EO-cum-PIO, Nagar Panchayat Chouke at the time of filing of RTI application (05.12.2019) till July 2020 who had been transferred and posted as EO-Nagar Panchayat, Mehraj, District Bathinda.

Sh.Bhartvir Singh, EO-Nagar Panchayat Mehraj(earlier PIO-cum-EO Nagar Panchayat Chouke) was directed to appear before the commission on the next date of hearing and explain the reasons for not attending to the RTI application within the time prescribed under the RTI Act.

Further since the Nagar Panchayat Chouke had been denotified and converted into a Gram Panchayat which is under the control of BDPO Rampura. The PIO-BDPO Rampura was directed to file a detailed reply and appear personally before the Commission on the next date of hearing.

Since as per copy of letter dated 20.09.2021 received from the BDPO-Rampura, the record relating to Nagar Panchayat/Gram Panchayat, Chouke appears to be in the custody of EO-NC Maur, the EO-Nagar Council, Maur was also impleaded in the case and directed to look at the RTI application and provide information to the complainant.

The complainant was absent.

A copy of the order was sent to the ADC(D), Bathinda with the direction to ensure that the order is served to the PIO under whose custody the record exists and the RTI application is attended to as per the RTI Act. as well as to ensure that the information that is available on record is provided to the appellant.

Hearing dated 25.01.2022:

The case has come up for hearing today through video conferencing at DAC Bathinda. The complainant is absent.

Sh.Bharatvir Singh, EO-Nagar Panchayat, Mehraj (earlier PIO-Nagar Panchayat Chaoke) is present and has sent his reply vide letter dated 25.11.2021 which has been taken on the file of the Commission.

In the reply, the PIO claims to have raised the requisite fee from the complainant vide letter dated 03.02.2020 but has not been able to produce copy of said letter asking for the requisite fee and communication of details of pages.

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The PIO is directed to appear before the Commission on the next date of hearing alongwith the copy of the letter dated 03.02.2020 as a proof of having raised the requisite fee from the complainant.

The case is adjourned. To come up for further hearing on **22.02.2022 at 11.00 AM** at Chandigarh.

Chandigarh
Dated 25.01.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to: 1. Sh.Bharatvir Singh, EO-Nagar Panchayat,
Mehraj, Distt.Bathinda
(Earlier EO-cum-PIO, Nagar Panchayat Chouke)

2. BDPO-Maur Road, Rampura, District Bathinda.

3. EO-Nagar Council, Maur, Distt.Bathinda

4. ADC(D), Bathinda.



Sh Anil Mittal, S/o ShDharam Pal,
22121, Gali No-11/4, Power House Road,
Bathinda.

... Appellant

Versus

Public Information Officer,
O/o EO, BDA,
Bathinda.

First Appellate Authority,
O/o Addl, Chief Administrator,
BDA, Bathinda.

...Respondent

Appeal Case No. 1943 of 2019

PRESENT: **Sh.Anil Mittal as the Appellant**
 Sh.Ranjit Singh, Naib Tehsildar for the Respondent

ORDER:

The appellant through RTI application dated 19.05.2018 has sought information regarding land comprising khasra No.2527 situated in Patti Mehna Tehsil & Distt.Bathinda comprising a copy of notification for acquiring the said land, name of land owners, compensation awarded and other information concerning the office of EO, BDA Bathinda. The appellant was not satisfied with the information provided by the PIO vide letter dated 22.06.2018 after which the appellant filed a first appeal before the First Appellate Authority on 25.06.2018, which took no decision on the appeal.

The case has already been heard on 17.10.2019, 23.12.2019, 17.03.2020, 07.09.2020, 09.03.2021 & 15.06.2021.

On the date of hearing on 17.10.2019, as per the appellant, the information on point 6,12 & 13 were related to Revenue Patwari, Patti Mehna. The revenue patwari was impleaded in the case and directed to provide the information.

On **07.09.2020**, the Revenue Patwari,Patti Mehna was present and informed that the information concerning them has been supplied to the appellant. The appellant stated that he had received information on point-6 only and other information that had been provided by the PIO-BDA was also not legible.

Having gone through the RTI application and hearing both the parties, the following was concluded:

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| - Point-1,2,3&4 | - As per the appellant, the information is not legible. The PIO-BDA to provide a legible copy of the information. |
| - Point-5 | - PIO to respond appropriately |
| - Point-6 | - Copy of jamabandi to be provided by Patwari |
| - Point-7 | - NA |
| - Point-8 | - BDA to provide the information |
| - Point-9 | - The appellant is not satisfied with the reply. The PIO to Provide complete information. |
| - Point-10 | - PIO to provide a the list of litigations |
| - Point-11 | - Appellant not satisfied, PIO to provide complete information |
| - Point-12 | - PIO to provide demarcation |
| - Point-13 | - PIO to reply suitably |
| - Point-14 | - To reply appropriately |

Since the information was voluminous, the PIO was directed to contact the appellant on his mobile No.9643122971 and sort out all the discrepancies and provide complete information within a week of the receipt of this order. Further, since there was an enormous delay in providing the information, a copy of the order was sent to the Chief Administrator, BDA Bathinda with the direction to ensure compliance of the order.

On the date of the hearing on **09.03.2021**, the respondent informed that the record was inspected by the appellant and the available information has been supplied to the appellant. The appellant was still not satisfied.

Hearing both the parties, the PIO was directed to sort out the discrepancies and provide whatever information is available point-wise to the appellant with a copy to the Commission. If the information is not available, give in writing on an affidavit that the information that has been provided is true, complete and no further information is available in the record relating to this RTI application.

On the date of hearing on **15.06.2021**, Sh.Amandeep Singh, Jr Assistant o/o BDA Bathinda and Sh.Gurjant Singh, Naib Tehsildar were present who informed that, the information has already been provided. As per the appellant, the PIO had not provided complete information nor had provided an affidavit. As per the appellant, the information on points 1,2,3&4 was not legible nor attested, the information on point-5 was incomplete and information on the remaining points as per the previous order of the Commission had not been provided by the PIO.

The PIO was given one last opportunity to comply with the earlier order of the Commission and sort out the discrepancies and provide complete information on each point duly attested. If the information is not available, to either procure from the concerned authorities and provide to the appellant or give in writing on an affidavit that the information that has been provided is true, complete and no other information is available with this public authority under which RTI application was filed.

On the date of the last hearing on **22.09.2021**, the appellant informed that the PIO has not supplied the information.

The respondent was absent.

The case was marked to the Deputy Commissioner, Bathinda with the direction to ensure that the order of the Commission is complied with by the concerned PIOs and the information is provided to the appellant.

Hearing dated 25.01.2022:

The case has come up for hearing today through video conferencing at DAC Bathinda. Sh.Ranjit Singh, Naib Tehsildar is present on behalf of the PIO-DC-Bathinda and informed that the remaining information has been supplied to the appellant vide letter dated 29.11.2021 with a copy to the Commission and no further information is available.

As per the appellant, the information on points-5, 11 & 12 is still incomplete and information on points 8, 9,10, 13 & 14 has also not been provided by the PIO.

During the last hearing, the case was marked to the Deputy Commissioner with the direction to ensure that the order of the Commission is complied with, and the information is provided to the appellant. However, the matter is still unresolved and the order has not been complied with by the PIO-DC Bathinda.

Earlier order stands. It may be mentioned that the case has been marked under section 5 (5) to the Deputy Commissioner Bathinda . Section 5 (5) of the RTI Act states "Any officer, whose assistance has been sought under sub-section (4) , shall render all assistance to the Central Public Information Officer or State Public Information Officer, as the case may be, seeking his or assistance and for the purposes of any contravention of the provisions of this Act, such other officer shall be treated as the a Central Public Information Officer or State Public Information Officer, as the case may be.

DC Bathinda is again directed to reconcile all information that is yet to be provided, and if complete information has been provided that was sought, to file an affidavit that whatever information has been provided is true, complete and no further information is available in the record relating to all points of the RTI application. The affidavit should be on stamp paper duly signed by the PIO and attested by the competent authority.

To come up for further hearing on **09.03.2022 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Bathinda.

Chandigarh
Dated 25.01.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to: 1. Revenue Patwari,
Patti Mehna, Distt.Bhatinda

2.PIO- Deputy Commissioner, Bathinda

Ms. Nippy Garg, D/o Sh. Sukhdarshan Lal Garg,
21784, Street No-2, Shiv Mandir Colony,
PowerHouse Road, Bathinda.

... Appellant

Versus

Public Information Officer,
O/o Director,
Department of Local Govt,
Sec-35-A, Chandigarh.

First Appellate Authority,
O/o Director,
Department of Local Govt,
Sec-35-A, Chandigarh.

... Respondent

Appeal Case No. 3348 of 2020

Present: Ms. Nippy Garg as the Appellant
Sh. Hardeep Singh, Sr. Assistant for the Respondent

ORDER:

The case first came up for hearing on 03.03.2021 through video conferencing at DAC Bathinda. The respondent present pleaded that the information has been provided to the appellant vide letter dated 04.09.2020 with a copy to the Commission.

The appellant was not satisfied and informed that the information is incomplete. Having gone through the RTI application, the information provided by the PIO and hearing both the parties, the following was concluded:

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| Point-1 to 4 | - | Sufficiently replied |
| Point-5 | - | To provide salary calculation |
| Point-6 | - | To provide a copy of rule/order according to which Retired persons were recruited/working in the department |
| Point-7 | - | Provide heads of account |

The information was to be provided within 10 days of the receipt of the order.

On the date of hearing on **15.06.2021**, the respondent informed that the information on points 5, 6 & 7 has been sent to the appellant on 17.04.2021 with a copy to the Commission. As per the appellant, the information was been received.

Having gone through the information, the Commission observed that the PIO had sent the information to the wrong address. A copy of the information was sent to the appellant along with the order. The appellant was directed to point out the discrepancies to the PIO with a copy to the Commission and the PIO is directed to sort out the same.

On the date of the last hearing on **22.09.2021**, the respondent informed that the information has been provided to the appellant.

The appellant informed that she received a letter dated 01.09.2021 of the PIO on 06.09.2021 whereby the PIO informed that the RTI application relating to point No.5&7 has been sent to Deputy Controller(Finance & Accounts) Local Govt. whereas it should have been transferred under section 6(3) within five days. Further, relating to point-6, the PIO has provided the application of Sh.Surmukh Singh and copy of the order of Sh.Rajpal Suptd. whereas the appellant had sought a copy of the rule/office order on the basis of which the retired persons are recruited and working in the department.

As per the respondent, there was no such rule.

The PIO was directed to give in writing on an affidavit that no such rule exists in the record. The PIO was also directed to procure the information relating to point 5 & 7 from the concerned PIO and provide to the appellant within 15 days with a copy to the Commission.

Hearing dated 25.01.2022:

The case has come up for hearing today through video conferencing at DAC Bathinda. As per the respondent, the information on points 5, 6 & 7 has been provided to the appellant vide letter dated 11.10.2021. The respondent further informed that in compliance with the order of the Commission, an affidavit has been sent to the Commission vide letter dated 16.11.2021.

The appellant informed that the PIO has not supplied the copy of the salary calculation relating to point-5. The appellant has also not received the affidavit.

A copy of the letter received from the PIO on 23.10.2021 and affidavit in original is being sent to the appellant alongwith the order and a copy of the affidavit is retained in the record.

The PIO is directed to sort out the discrepancies and provide salary calculation/salary structure to the appellant regarding point-5.

To come up for further hearing on **09.03.2022** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Bathinda.

Chandigarh
Dated 25.01.2022

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh. Sanjay Garg, S/o Sh Om Parkash Garg,
R/o H NO-1102, Sector-7,
Panchkula(Haryana).
Appellant

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Versus

Public Information Officer,
O/o Joint Director,
Food civil Supplies and Consumer Affairs,
Pb, (Storage Branch), Sector 39-C,
Chandigarh.

First Appellate Authority,
O/o Director,
Food civil Supplies and Consumer Affairs,
Pb, (Storage Branch),
Chandigarh.

...Respondent

Appeal Case No. 3725 of 2020

PRESENT: Sh.Sanjay Garg as the Appellant
None for the Respondent

ORDER:

The appellant through RTI application dated 11.09.2020 has sought information on 20 points regarding tender dated 21.01.2020 floated by Pungrain for construction and hiring of CAP - a copy of relevant terms/rules/notification for taking over the CAP from the date of final completion - within what period - relevant rule for not being liable if Pungrain fails to use CAP - complaints received and action taken in last 10 years against T.S.Chopra, Distt.Food & Supplies Controller – contract agreement for labour and cartage, transportation of foodgrains for Sangrur from 2019-20 to 2020-21 and other information as enumerated in the RTI application concerning the office of Joint Director Storage Branch, Food Civil Supplies and Consumer Affairs, Pb Chandigarh. The appellant was not provided with the information after which the appellant filed the first appeal before the First Appellate Authority on 23.10.2020 which took no decision on the appeal.

The case was first heard on 10.03.2021. Both the parties were absent.

The Commission received a copy of the letter from the PIO on 05.02.2021 vide which the PIO had sent reply/information to the appellant which was taken on the file of the Commission.

The appellant had not communicated any discrepancies. The appellant was directed to point out the discrepancies if any to the PIO with a copy to the Commission and the PIO was directed to remove the same.

On the date of the next hearing on 04.08.2021, both the parties were absent. The appellant vide email informed that the PIO has not supplied the complete information.

The appellant was directed to appear before the Commission on the next date of hearing to pursue his case.

On the date of the last hearing on **22.09.2021**, the respondent informed that the information has already been supplied to the appellant vide letter dated 02.02.2021 with a copy to the Commission.

The appellant was absent and vide email has informed that since he is in Delhi due to his transfer and cannot attend the hearing. The appellant further informed that the PIO has not supplied the required information.

The appellant was given one more opportunity to point out the discrepancies if any in writing to the PIO and the PIO was directed to remove the same. The appellant was also directed to appear before the Commission on the next date of hearing to pursue his case. A copy of the information received from the PIO on 05.02.2021 was sent to the appellant alongwith the order.

Hearing dated 25.01.2022:

The case has come up for hearing today through video conferencing at DAC Mohali. The appellant is present at Chandigarh and informed that he has already pointed out the discrepancies to the PIO vide letter dated 19.04.2021 with a copy to the Commission through email but the PIO has not removed the same.

The respondent is absent nor is represented.

There has been an enormous delay of more than one year and three months in providing the complete information. The Commission has taken a serious view of this and hereby directs the PIO to **show cause why penalty be not imposed on him under section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time. He/she should file an affidavit in this regard.** If there are other persons responsible for the delay in providing the information, the PIO is directed to inform such person(s) of the show cause and direct them to appear before the Commission along with the written replies.

The PIO is again directed to sort out the discrepancies and provide complete information to the appellant within ten days of the receipt of the order. A copy of discrepancies pointed out by the appellant is also being sent alongwith the order for the PIO.

The case is adjourned. To come up for further hearing on **15.03.2022 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Mohali.

Chandigarh
Dated 25.01.2022

Sd/-
(Khushwant Singh)
State Information Commissioner