



By Registered Post

S. Charanjit Singh,
S/o S. Kartar Singh,
Dashmesh Nagar, Village Hambran,
Distt Ludhiana.

Appellant

Versus

Public Information Officer,
O/o Block Development and Panchayat Officer,
Ludhiana-I, Ludhiana.

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

Respondents

Appeal Case No.3637/2018

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
10.07.2018	Nil	24.08.2018	Nil	25.10.2018

Present: Appellant - Sh. Charanjit Singh.
Respondents- None.

ORDER

The case has been heard through video conferencing.

The following order was passed on 17.07.2019:

06.02.2019

"The appellant is present. Despite an endorsement from the office of the DDPO, Ludhiana to the respondents, none is present. No information has been provided nor any reply has been filed by the respondents.

The Commission directs the respondents to allow the inspection of the record to the appellant and provide him the certified copies of the documents to the extent of one hundred pages and inform the Commission in writing along with explanation in having failed to file a suitable reply to his original application.

17.07.2019

The case has come up today through video conference. Despite express directions, the respondents are neither present nor any reply to the Commission has been provided. A very simple information concerning the revenue having been accrued to Gram Panchayat of village Hambran and its utilization has been sought. The Commission feels that the respondents are willfully

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obstructing the flow of information.

The PIO is hereby 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.”

The case has come up today. None is present on behalf of the respondents.

Despite having been offered couple of opportunities, the PIO has failed to file any written explanation for violation of provisions of the Act. His culpability is established.

The Commission holds the PIO guilty under Section 7(1) of the RTI Act. Exercising its authority under section 20 (1) of the RTI Act, the Commission imposes a penalty of Rs10,000/- (Rupees Ten thousand only) in lump sum on BDPO, the delay being beyond 100 days ,which shall be recovered from his salary in two equal installments commencing from the month of January, 2019. His Drawing & Disbursing Officer shall ensure that the amount of penalty is deducted from his salary and deposited in the government treasury under the head given below:



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Appeal Case No.3637/2018

- 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 for record immediately.

By the callous conduct of the PIO, the appellant has been put to a lot of harassment. A compensation to an extent of Rs. 3000/- (Rupees Three Thousand only) is awarded to the appellant for the detriment suffered by him in terms of Section 19(8) (b) of the Act. It shall be paid by the public authority from its account by way of demand draft in favor of the appellant within a month of the receipt of the order positively.

To come up on **26.11.2019 at 11.30 AM through video conference at 11.30**

AM.

25.09.2019

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

CC: The Director, Department of Rural Development and Panchayats, Sector-62, SAS Nagar.



By Registered Post

Sh. Harjinder Singh,
S/o Sh. Swaran Singh,
R/o VPO-Gumti Khurd(Sewa Wala)
Tehsil-Jaito,District-Faridkot.

Appellant

Versus

Public Information Officer,
O/o Block Development and Panchayat Officer,
Jaito, District Faridkot.

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

Respondents

Appeal Case No.774/2019

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
31.10.2018	14.11.2018	01.01.2019	Nil	20.02.2019

Present: Appellant- Sh. Harjinder Singh.
Respondents- None

ORDER

The case has been heard through video conference.

The Commission had made following observations on 07.08.2019:

The appellant having failed to procure the information from the PIO and filing an appeal before the First Appellate Authority has been constrained to file second appeal with the Commission on 20.02.2019. The appellant has sought information concerning the details of grants having been received by the Gram Panchayat of Village Gumti Khurd, Block-Jaito, District-Faridkot from the year 2014 to 2018 and the details of expenditure made thereto. He has also requisitioned the amount having been received under NAREGA scheme and the manner of its outlay. Some information about the amount of lease having been obtained by the Gram Panchayat against the auction of Panchayati land etcetera has also been asked.

It transpires that the concerned Panchayat Secretary had asked for an amount of Rs.6576/- as a cost of providing the information, which was remitted by the

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Appeal Case No.774/2019

appellant to the BDPO through bank draft. Even though, the cost of information in handsome amount was deposited, the respondents did not respond with furnishing of information. The original application was made on 30.10.2018 and the appeal was preferred on 20.02.2019. It is a serious case of callousness and misconduct on the part of the BDPO and Panchayat Secretary. The Commission takes it as a case of collective responsibility of the both.

The BDPO, Jaito, and the Panchayat Secretary of Gram Panchayat of Village Gumti Khurd hereby 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 Complainant 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.

Meanwhile, the Commission feels that the information if xeroxed shall be massive and voluminous. It shall be in the fitness of things that the PIO shall allows him an

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Appeal Case No.774/2019

inspection on 28.08.2019 in office of the BDPO at 11.00 AM. The appellant shall identify the documents. The certified copies of which shall be supplied by them to him. The Commission feels that the documents to an extent of 200 pages at maximum shall be relevant for his cause. The Commission reiterates that it has already taken a very serious view of extreme delay and conduct of having extracted a very heavy sum from the appellant without providing the information. Further dereliction in providing a reply to the Show Cause Notice and information as observed above, shall have serious consequences.”

The matter is being taken up today. The status quo ante remains. The respondents have shown complete insouciance and indifference to the issue. The Commission cannot be a helpless witness to it.

The Commission holds the PIO guilty under Section 7(1) of the RTI Act. Exercising its authority under section 20 (1) of the RTI Act, the Commission imposes a penalty of Rs15,000/- (Rupees Ten thousand only) in lump sum on the BDPO, Jaito, which shall be recovered from his salary in three equal installments commencing from the month of January, 2019. His Drawing & Disbursing Officer shall ensure that the amount of penalty is deducted from his salary and deposited in the government treasury under the head given below:

- 0070-Other Administrative Services- 60

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Appeal Case No.774/2019

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

A copy of the challan shall be sent to the Commission for record immediately.

By the callous conduct of the PIO, the appellant has been put to a lot of harassment. A compensation to an extent of Rs. 3000/- (Rupees Three Thousand only) is awarded to the appellant for the detriment suffered by him in terms of Section 19(8) (b) of the Act. It shall be paid by the public authority from its account by way of demand draft in favor of the appellant within a month of the receipt of the order positively.

The amount demanded is ordered to be refunded back and the information as has been observed shall be dispensed free of charge to the information seeker.

The next date of hearing shall be intimated shortly.

25.09.2019

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

CC: The Director, Department of Rural Development and Panchayats, Sector-62, SAS Nagar.



By Registered Post

Retd. Subedar Chhanakh Singh,
S/o S. Veer Singh,
R/o Village Vadala Johal,
Tehsil & Distt Amritsar.

Appellant

Versus

Public Information Officer,
O/o Village Development Officer,
Gram Panchayat Vadala Johal,
Block Jandiala Guru, Distt Amritsar.

First Appellate Authority,
O/o District Social Security Officer,
Amritsar.

Respondents

Appeal Case No.3862/2018

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
23.08.2018	Nil	03.10.2018	Nil	12.11.2018

Present: Appellant- Retd. Subedar Chhanak Singh, in person.
Respondents- Sh. Simranjit Singh, Panchayat Secretary.

ORDER

The following order was passed on 13.02.2019:-

“The appellant had sought for an information pertaining to the APRs maintained by the gram panchayat of village Vadala for the disbursement of old age/widow pensions etc. for the period from July, 2013 to October, 2017. The District Social Security Officer, Amritsar, vide communication dated 08.02.2019 to the Commission intimated that the requisite information is in the custody of BDPO, Jandiala Guru who has already been intimated to make good the information to the information seeker. It has further been observed that the BDPO, Jandiala Guru in turn has written to one Sh. Gurmukh Singh, VDO to part with the information as it is in his custody.

The Commission finds that the officers at various levels of the Public Authorities have duly forwarded the application under Section 6(3) of the Act to one Sh. Gurmukh Singh, VDO who obviously is the deemed PIO for the purpose of providing information to the appellant. However, he has failed to provide it. At its face the Commission finds that Sh. Gurmukh Singh is culpable of violating the provisions of RTI Act.



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Appeal Case No.3862/2018

Sh. Gurmukh Singh, VDO 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.”

The case has come up today. In aforesaid order Sh. Gurmukh Singh, VDO, the deemed PIO, was directed to provide the information and the show cause notice was also issued against him. However, he has neither supplied the information to the information seeker nor has filed any reply to the show cause notice.

The Commission holds the PIO guilty under Section 7(1) of the RTI Act. Exercising its authority under section 20 (1) of the RTI Act, the Commission imposes a penalty of Rs15,000/- (Rupees Ten thousand only) in lump sum on the Sh. Gurmukh Singh, VDO, which shall be recovered from his salary in three equal installments commencing from the month of January, 2019. His Drawing & Disbursing Officer shall ensure that the amount of penalty is deducted from his salary and deposited in the government treasury under the head given below:

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Appeal Case No.3862/2018

- 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 for record immediately.

By the callous conduct of the PIO, the appellant has been put to a lot of harassment. A compensation to an extent of Rs. 3000/- (Rupees Three Thousand only) is awarded to the appellant for the detriment suffered by him in terms of Section 19(8) (b) of the Act. It shall be paid by the public authority from its account by way of demand draft in favor of the appellant within a month of the receipt of the order positively.

Disposed.

25.09.2019

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

CC: The Director, Department of Rural Development and Panchayats, Sector-62, SAS Nagar