



Sh. Pardeep Singh,
S/o Sh. Darbara Singh,
R/o Village Gurdaspura (Gurthali),
Tehsil and Distt. Sangrur.

Appellant

Versus

Public Information Officer,
O/o Block Development and Panchayat Officer,
Sangrur.

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

Respondents

Appeal Case No.3327/2018

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
07.09.2017	Nil	31.10.2017	Nil	03.10.2018

Present: Sh. Pardeep Singh, Appellant in person.
Sh. Lakhvir Singh, Panchayat Secretary, BDPO Office, Sangrur – for Respondents.

ORDER

The following order was made by this forum on 22.01.2019:

“Sh. Ajaib Singh, Panchayat Secretary appearing on behalf of the respondents says that he has joined this office only on 3rd December, 2018. He states that his predecessor was on medical leave. He further submits that the information has already been transmitted through a registered post.

The appellant denies its receipt. Probably, it should be in transit. Nonetheless, he has brought along a copy of the same which has been handed over on spot to the appellant. He may like to go through it and point-out the deficiency in writing, if any before the next date of hearing.

Meanwhile the predecessor of the incumbent Panchayat Secretary, Sh. Karamjit Singh who has been sitting on the application for more than a year should explain the delay and show cause as to why he should not be penalized as per the provisions of RTI Act.”

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“The case has come up today. Sh. Karamjit Singh, Panchayat Secretary who was desired to explain his conduct in the aforementioned order has filed a written explanation. It has been stated that he joined the office in the month of June, 2018 replacing one Sh. Lakhvir Singh. At that time an enquiry was being conducted by the Divisional Deputy Director, Rur. Dev. & Panchayats, Patiala and the relevant record was in his custody. It was returned in the month of September, 2018. Unfortunately he met with an accident and was confined to bed with a fractured leg. Having rejoined his duty he promptly delivered the information to the appellant.

The explanation given by Sh. Karamjit Singh cuts some ice. There does not appear any malafide on his part to withhold the information. However, there is an unexplained delay of about six months on the part of his predecessor, Sh. Lakhvir Singh. He is presently posted as Panchayat Secretary in the Sangrur block. He is desired to explain his conduct as to why the penalty should not be imposed on him for the delay in providing the information beyond thirty days of the receipt of application as envisaged under Section 20(1) of the RTI Act.”

The case has again come up today for hearing. Sh. Lakhvir Singh, Panchayat Secretary is present in person. He attributes the delay to the fact that the record had been in the custody of a senior officer conducting an enquiry into a complaint. The appellant admits having received the information. Having perused it he alleged serious irregularities and embezzlement of funds by the gram panchayat in cahoot with the departmental officials. He refers to the repeated booking of an expense on the consumption of diesel for the construction of a road which is highly



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inflated and unrealistic. Be that as it is, the information has been provided.

The concern of the respondents cannot be ignored. The Commission desires the Director, Rural Dev. & Panchayats, Punjab, to have the matter probed as the panchayat has been flush with the funds received in acquisition of the land and apparently there is an alleged disproportionate and dubious expenditure on certain items. Hopefully, the matter shall be taken to the logical ends. With these observations the case is **closed**.

Sd/-

26.02.2019

**(Yashvir Mahajan)
State Information Commissioner**

CC: The Director, Rural Dev. & Panchayat, Punjab, Vikas Bhawan, Sector 62, SAS Nagar (Mohali) for n/a.



Sh. Satya Paul Bansal,
Flat No. 180/3, Tower No. 4,
SBP Homes, Extn 3, Sector-126, Mohali.

Appellant

Versus

Public Information Officer,
O/o Executive Officer,
Municipal Council,
Kharar, Distt. Mohali.

First Appellate Authority,
O/o o Executive Officer,
Municipal Council,
Kharar, Distt. Mohali.

Respondents

Appeal Case No.2617/2018

Date of RTI application: 16.04.2018
Date of First Appeal : 06.06.2018
Date of Reply : Nil
Date of Order of FAA : Nil
Date of 2nd Appeal/complaint: 03.08.2018

Present: **None on behalf of the Appellant.**
1. Sh. Rajesh Kumar Sharma, PIO –cum- EO, MC, Kharar,
2. Sh. Amit Kumar, SDO, MC Office, Kharar – for Respondents.

Order

The following order was passed by this forum on 18.10.2018:

“The appellant had sought an information about the approved lay-out plan of a project namely; SBP Home, Extn. 3, Chhajju Majra, Tehsil, Kharar, District Mohali and connected information thereto. Having not received any reply from the PIO and FAA he has filed second appeal with the Commission as per chronology mentioned above.

Sh. Jaswinder Singh appearing on behalf of the respondents has produced a couple of memos purported to have been issued to the appellant. The appellant denies having received them even though one of it has been sent under registered cover. Their perusal leads us nowhere. They have denied the availability of the information.

It transpires during the discussion that more than six hundred flats duly inhabited exist on site. In the face of these facts the contention of the respondents cannot be accepted. The PIO – cum – EO, MC, Kharar is directed to file a written affidavit about the status of the aforesaid

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colony in the record and arrange to provide the information to the appellant before the next date of hearing. Meanwhile, he shall explain the delay in providing the information as well.”

“The case has come up today. The respondents seemingly have defied the directions passed in the aforesaid order in brazenness. The Commission takes strong exception and issues show cause notice to the PIO –cum- Executive Officer, Municipal Council, Kharar 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.

He is also directed to bring along the information with a spare copy in the Commission on the next date of hearing.”

The case has again come up today for hearing. An e.mail has been received from the appellant regretting his absence. Simultaneously, he has submitted that he has been harassed and the respondents should be penalized for the delay, and he should be compensated for the detriments suffered by him.

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Sh. Rajesh Kumar Sharma, PIO – cum – EO, MC, Kharar is present in person. He refers to an affidavit filed by him on 10.12.2018 in which he has deposed that he has joined the MC office only a couple of months back. He says that taking the issue in all solemnity he has provided the information to the appellant after coordinating with him and making the visit to the site as well. He further says that there have been frequent transfers of the respondent EOs. He submits that they are over occupied with the official work in handling the various projects, dealing with the public, attending to the Courts and meetings with the senior functionaries of the Government. They are receiving flurry of RTI applications and finding it difficult to cope with them.

The Commission has gone through the file and respective submissions. The Commission does not see any malafide on the part of incumbent E.O. to withhold the information. While agreeing with his submissions that they are handling an onerous job, they cannot be absolved of the obligation to supply the information to the applicants within stipulated period. They are duty-bound to adhere to the period enjoined upon them to provide the information. In view of the extenuating circumstances as enumerated by the respondents the Commission does not sense a malafide in suppressing the information. The appeal is **disposed** with a reprimand and caution to the respondents to be watchful in future.

26.02.2019

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