



Sh. Parveen Kohli,  
S/o Sh. Savdesh Kohli,  
451/2, College Road, Jagraon  
Distt. Ludhiana

Appellant

Versus

Public Information Officer,  
O/o Executive Officer,  
Nagar Council, Jagraon,  
Distt. Ludhiana.

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

Respondents

**APPEAL CASE NO.1678/2017**

Date of RTI application : 16.03.2017  
Date of First Appeal : 24.04.2017  
Date of Order of FAA : Nil  
Date of 2<sup>nd</sup> Appeal/complaint :17.06.2017

**Present:** None on behalf of the Appellant.  
Sh. Amrinder Singh, PIO – cum – EO, MC, Jagraon – for Respondents.

**ORDER**

**The case has been heard through video conferencing.**

On 27.12.2017 the following order was passed by this forum:

“The following observations were made in the order dated 16.08.2017:

*“The appellant had sought information about the details of the remunerations and the qualifications of the temporary employees with the respondents within some specified time.*

*The respondents have taken the plea that it is a third party information and as such they are exempted under Section 8(1) (j) of the Act.*

*Section 4(1) (b) mandates a Public Authority proactively to make public the salaries and allowances of the employees with it. The qualifications of the officials should also be in public domain as they occupy a public office. The respondents accordingly are advised to furnish the*



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*information available with them even if the employees have been outsourced from a service provider.”*

*“The case has come up today for hearing. The respondent seemingly is unaware of the issue. The order passed by the Commission has gone un-complied. The Commission draws the inference that the information has been intentionally denied by the respondents despite a very clear and unambiguous order of the Commission. The respondent has thus rendered himself liable for imposition of penalty.*

*“The PIO is, thus, 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.”*

*“The case has come up today. The PIO seems a hard nut to crack. Despite a couple of express orders he has refused to share the information. Even the show cause notice issued to him*



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*has not stirred him to any action. The Commission obviously has been left with no alternative but to proceed to penalize him.*

*The delay is beyond 100 days. No response whatsoever to the application, first appeal, second appeal and various directions of the Commission has been given. The Commission is convinced that Sh. Sukhdev Singh Randhawa, PIO – cum – Executive Officer, Nagar Council, Jagraon has without any reasonable cause failed to provide the information malafidely in contravention of Section 7(1) of the Act. Accordingly a penalty of Rs.10,000/- (Rupees Ten Thousand only) in lump sum is imposed on Sh. Sukhdev Singh Randhawa, PIO – cum – Executive Officer, Nagar Council, Jagraon under Section 20(1) of the Act.*

*The Accounts Officer, Nagar Council, Jagraon shall ensure that the amount of penalty after deduction from his salary is deposited in the government treasury in two equal installments commencing from February, 2018 onwards 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 for record before the next date of hearing positively.*

*To come up for ensuring the compliance on 07.03.2018 at 11.30 AM through video conference at Ludhiana.”*



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The case has again come up today for hearing. The appellant is not present.

On a written submission of Sh. Sukhdev Singh Randhawa, that he was incorrectly penalized as he was shifted out during the currency of the period of providing the information and the responsibility devolved on his successor, the matter was probed by seeking the explanation of his successor in office as PIO. This was duly examined in Commission's order passed on 12.09.2018. On an enquiry, the Commission reaches the conclusion that Sh. Sukhdev Singh Randhawa was rightly imposed the penalty and the same is recoverable from him only as has been ordered above.

The Director, Local Government, Punjab is desired to implement the order of the Commission by arranging to deduct the penalty out of his salary and inform the Commission.

**Disposed.**

**27.02.2019**

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

**CC: The Director, Local Government, Punjab, Sathanik Sarkar Bhawan, Plot No. 3,  
Sector – 35 A, Chandigarh, for n/a.**

**PUNJAB STATE INFORMATION COMMISSION**  
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Sh. P.D.Bansal (President),  
Lok Sewa Club, Shop No.57,  
Sant Market, G.T. Road, Khanna  
Distt. Ludhiana

Complainant

Versus

Public Information Officer  
O/o Executive Officer,  
Municipal Council, Khanna,  
Distt. Ludhiana

Respondents

**COMPLAINT CASE NO.14/2018**

Date of RTI application :28.10.2017  
Date of First Appeal : Nil  
Date of order of FAA :Nil  
Date of 2<sup>nd</sup> Appeal/complainant:26.12.2017

**Present:** Sh. P.D.Bansal, Complainant in person.  
Sh. Ravneet Singh, PIO – cum – EO, MC, Rajpura in Commission's off., Chd. –  
for Respondents.

**ORDER**

**The case has been heard through video conferencing.**

It shall be appropriate to reproduce the interim orders passed by this forum on  
23.05.2018 and 11.07.2018, as under:

**Order dated 23.05.2018**

The following order was passed on 21.03.2018:

*"The original application has been filed on 23.10.2017. The information sought concerns the leasing out of a parking lot by the Municipal Council in Guru Amardass Market, Khanna and the amount involved therein. The information sought is simple and concise and should have been parted with promptly in any case within the stipulated time.*

*Sh. Amar Pal Singh, Inspector, Municipal Committee Khanna submits that he has*

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*brought along the information for handing it over to the complainant. It transpires that information thus brought is deficient as it does not pertain to all the years for which it has been sought. The Commission believes that the respondent is willfully withholding the information with malafide intent.*

*Sh. Ravneet Singh, PIO – cum – E.O, Municipal Council, Khanna, therefore, 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 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.”*

*“The case has come up today.*

*Sh. Amarpal Singh, Inspector appearing on behalf of the respondent submits that the information has been given. They have endorsed a copy of the same to the Commission as well. Though the information has been supplied yet the respondent has failed to explain the inordinate delay in having delivered the information. Another opportunity is afforded to them to provide a*

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*convincing explanation for the delay as already asked for in the show cause notice issued.*

**Order dated 11.07.2018**

*"It should be read in continuation of Commission's order dated 23.05.2018.*

*The case has come up today. Sh. Ashwani Kumar, Works Clerk, M.C. Office, Khanna, appearing on behalf of the respondent has taken the plea that due to an adversely situation on his domestic front he could not address himself to the matters of his office. He regrets the delay and prays to be excused and file the notice issued.*

*The Commission observes that the show cause notice has been addressed to Sh. Ravneet Singh, the then PIO – cum – E.O., Municipal Council, Khanna who shall be responsible for the liability proposed to be imposed. The explanation of the clerk has no relevance whatsoever with it. The current incumbent is advised to arrange to serve the show cause notice issued earlier on the then PIO – cum – EO, with the advice to file his explanation in case he so desires failing which the action as proposed in the SCN shall be taken."*

The case has come up for hearing today. In his written reply the then PIO has passed the buck on one Sh. Ashwani Kumar, Works Clerk who had admitted that he had been mentally stressed and could not deal with the information. In the enclosed document with the explanation the PIO had forwarded the application to the APIO in the Rent branch which has been received by Sh. Ashwani Kumar on 26.10.2017 under his signatures. The responsibility as such devolved upon him.

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On his appearance before the Commission he did not seem in robust state of mind and body. However, he cannot escape the dictate of law. Exercising its authority under Section 20(1) of the RTI Act and taking the extenuating factors in view, the Commission imposes a penalty of Rs.5,000/- (Rupees Five Thousand only) in lump sum on Sh. Ashwani Kumar, Works Clerk, O/o Municipal Council, Khanna which shall be recovered from his salary in two equal installments commencing from the month of March, 2019.

The Drawing & Disbursing Officer shall ensure that the amount of penalty is deposited in the government treasury under the 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 for record.

The PIO – cum – E.O. cannot be absolved of his responsibility towards slack supervision also. The Commission reprimands him and cautions him to be watchful in future.

**Disposed.**

**27.02.2019**

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

**CC: The Director, Local Government, Punjab, Sathanik Sarkar Bhawan, Plot No. 3, Sector 35 A, Chandigarh, for n/a.**