

PUNJAB STATE INFORMATION COMMISSION
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Sh K.N.S Sodhi,
1634, Sector-70, Mohali.

... Appellant

Versus

Public Information Officer,
O/o GMADA, Sector-62,
Mohali.

First Appellate Authority,
O/o GMADA, Sector-62,
Mohali.

...Respondent

Appeal Case No. 1564 of 2019

PRESENT: Sh.K.N.S.Sodhi as the Appellant
Sh.Gurvinder Singh PIO for the Respondent

ORDER:

The case was first heard on 25.11.2019. The representative appeared on behalf of the appellant informed that the appellant had inspected some of the files produced by the PIO on 01.11.2019 and specified the required documents. The representative, however, sought adjournment for further hearing in the month of Feb.2020. The case was adjourned.

The case was again heard on **25.02.2020**. The appellant informed that he had inspected the record and specified the information to the PIO but the PIO has not provided the information. The respondent was absent. The PIO was directed to provide the information as specified by the appellant within 15 days and send a compliance report to the Commission.

On the date of the hearing on **18.06.2020**, the appellant informed that the PIO has not provided the information.

The respondent was absent nor had complied with the order of the Commission. The PIO was given one more opportunity to comply with the earlier order of the Commission and provide the information within 10 days. The PIO was also directed to appear personally before the Commission on the next date of hearing and explain the reasons for not providing the information within the time prescribed under the RTI Act.

On the date of the hearing on **10.03.2021**, the appellant claimed that despite the order of the Commission to provide the information within 10 days, the PIO has not provided the correct and complete information.

Since there was a delay of more than two years in providing the information, the PIO was issued a **show-cause notice under Section 20 of the RTI Act 2005 and directed to file a reply on an affidavit**. The PIO was directed to sort out the matter and provide the complete information to the appellant within 15 days and send a compliance report to the Commission.

A copy of the order was sent to the Administrator, GMADA with the direction to enquire into the matter and ensure that the information is provided to the appellant as per the RTI Act in this case, as well as in appeal cases No.1565/2019, 1566/2019, 1567/2019, 1568/2019, 1569/2019 and 1570/2019 which are lying pending for more than two years. It was also brought to the notice of the Administrator GMADA that the RTI Act is not being implemented with earnestness in the organization and there is a casual approach while dealing with RTI Applications.

On the date of last hearing on 25.06.2021, as per appellant, despite the order of the Commission to provide the information within 15 days, the PIO had not supplied the information.

Appeal Case No. 1564 of 2019

At the last hearing, the Commission observed that there has been an enormous delay of more than two years in providing the information in this case, as well as in appeal cases No.1565/2019, 1566/2019, 1567/2019, 1568/2019, 1569/2019 and 1570/2019, the PIO was issued a show-cause in all the cases and directed to file reply on an affidavit. The PIO was again directed to sort out the matter and provide complete information within 15 days of the receipt of the order.

The PIO however, failed to comply with the order of the Commission since the PIO neither provided the information nor had filed a reply to the show-cause notice.

The PIO was given one last opportunity to file a reply to the show cause notice otherwise it will be presumed that the PIO has nothing to say in the matter and the commission will act against the PIO as per provisions of section 20 of the RTI Act.

Further, since the appellant had to suffer undue inconvenience to get the information, the Commission found it a fit case for awarding compensation to the appellant u/s 19(8)(b) of the RTI Act. The PIO-GMADA Mohali was directed to pay an amount of **Rs.10000/-** via demand draft as compensation to the appellant for the loss and detriment suffered by him of having to file the appeals and not getting information in time in the present case as well as in appeal cases No.1565/2019, 1566/2019, 1567/2019, 1568/2019, 1569/2019 and 1570/2019. The PIO was directed to submit proof of having compensated the appellant.

To settle the matter, which had taken undue delay, the PIO was directed to bring the entire record to the Commission on the next date of hearing (Case nos -No.1565/2019, 1566/2019, 1567/2019, 1568/2019, 1569/2019 and 1570/2019.) PIO to reach the Commission's office at 9.00 AM along with a complete record for inspection of the appellant) The appellant was also directed to reach Commission's office at 9.00 AM to inspect the record. This would also be the final opportunity being provided to the appellant to inspect the record.

Hearing dated 27.10.2021:

The respondent has brought the record at the Commission's office. The appellant has inspected the record.

The respondent claims that the information that has been sought does not exist. Inspections have happened many times over, including at the Commission's office. The respondent claims that the information that is being sought does not exist, however files were brought to the appellant to inspect for himself.

The appellant is not convinced and has claimed the files that were brought were not in accordance with the RTI application.

The matter is pending since long and there is a constant disagreement on the information sought and the reply of the PIO. To remove this logjam the commission has made all efforts including summoning of the records. In finality, the commission concludes that the PIO relook at the RTI application and file a point wise reply on an affidavit stating all that what has been stated at the hearing i.e that the sought information does not exist.

The PIO is also directed to provide compensation amount to the appellant as per order dated 25.06.2021. The PIO is also directed to file reply to the show cause notice.

The case is adjourned. To come up for further hearing on **14.03.2022 at 11.00 AM.**

Sd/-

(Khushwant Singh)

State Information Commissioner

Chandigarh
Dated 27.10.2021

CC to :The Chief Administrator,
GMADA, Mohali.



Sh K.N.S Sodhi,
1634, Sector-70, Mohali.

... Appellant

Versus

Public Information Officer,
O/o GMADA, Sector-62,
Mohali.

First Appellate Authority,
O/o GMADA, Sector-62,
Mohali.

...Respondent

Appeal Case No. 1565 of 2019

PRESENT: Sh.K.N.S.Sodhi as the Appellant
Sh.Gurvinder Singh PIO for the Respondent

ORDER:

The case has already been heard on 25.11.2019, 25.02.2020, 18.06.2020, 10.03.2021 & 25.06.2021.

On the date of the hearing on **10.03.2021**, the appellant claimed that despite the order of the Commission to provide the information within 10 days, the PIO had not provided the information. The PIO was given one last opportunity to sort out the matter and provide complete information to the appellant within 15 days and send a compliance report to the Commission.

Since there had been an enormous delay of more than two years in providing the information, the PIO was issued a **show-cause notice under Section 20 of the RTI Act 2005 and directed to file a reply on an affidavit.**

On the date of last hearing on **25.06.2021**, as per the appellant, the PIO had not provided the information.

The PIO also failed to comply with the order of the Commission. The PIO had not provided the information nor had filed a reply to the show-cause notice.

The PIO was given one last opportunity to file a reply to the show cause notice, otherwise it will be presumed that the PIO has nothing to say in the matter and the commission will act against the PIO as per provisions of section 20 of the RTI Act.

To settle the matter, which has taken undue delay, the PIO was directed to bring the entire record to the Commission on the next date of hearing. (PIO to reach Commission's office positively at 9.00 AM along with complete record for inspection of the appellant). The appellant was also directed to reach Commission's office at 9.00 AM to inspect the record. This would also be the final opportunity being provided to the appellant to inspect the record.

Hearing dated 27.10.2021:

The respondent has brought the record at the Commission's office. The appellant has inspected the record.

The respondent claims that the information that has been sought does not exist. Inspections have happened many times over, including at the Commission's office. The respondent claims that the information that is being sought does not exist, however files were brought to the appellant to inspect for himself.

Appeal Case No. 1565 of 2019

The appellant is not convinced and has claimed the files that were brought were not in accordance with the RTI application.

The matter is pending since long and there is a constant disagreement on the information sought and the reply of the PIO. To remove this logjam the commission has made all efforts including summoning of the records. In finality, the commission concludes that the PIO relook at the RTI application and file a point wise reply on an affidavit stating all that what has been stated at the hearing i.e that the sought information does not exist.

The PIO is also directed to file reply to the show cause notice.

The case is adjourned. To come up for further hearing on **14.03.2022 at 11.00 AM.**

Chandigarh
Dated 27.10.2021

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh K.N.S Sodhi,
1634, Sector-70, Mohali.

... Appellant

Versus

Public Information Officer,
O/o GMADA, Sector-62,
Mohali.

First Appellate Authority,
O/o GMADA, Sector-62,
Mohali.

...Respondent

Appeal Case No. 1566 of 2019

PRESENT: Sh.K.N.S.Sodhi as the Appellant
Sh.Gurvinder Singh PIO for the Respondent

ORDER: The case has already been heard on 25.11.2019, 25.02.2020, 18.06.2020, 10.03.2021 & 25.06.2021.

On the date of the last hearing on **10.03.2021**, the appellant claimed that despite order of the Commission to provide the information within 10 days, the PIO has not provided the information.

The PIO was given one last opportunity to sort out the matter and provide complete information to the appellant within 15 days and send a compliance report to the Commission.

Since there had been an enormous delay of more than two years in providing the information, the PIO was issued a **show-cause under Section 20 of the RTI Act 2005 and directed to file a reply on an affidavit.**

On the date of last hearing on 25.06.2021, as per the appellant, the PIO had not provided the information.

The PIO also failed to comply with the order of the Commission. The PIO had not provided the information nor had filed a reply to the show-cause notice.

The PIO was given one last opportunity to file a reply to the show cause notice, otherwise it will be presumed that the PIO has nothing to say in the matter and the commission will act against the PIO as per provisions of section 20 of the RTI Act.

To settle the matter, which has taken undue delay, the PIO was directed to bring the entire record to the Commission on the next date of hearing. (PIO to reach the Commission's office positively at 9.00 AM along with a complete record for inspection of the appellant). The appellant was also directed to reach the Commission's office at 9.00 AM to inspect the record. This would also be the final opportunity being provided to the appellant to inspect the record.

Hearing dated 27.10.2021:

The respondent has brought the record at the Commission's office. The appellant has inspected the record.

The respondent claims that the information that has been sought does not exist. Inspections have happened many times over, including at the Commission's office. The respondent claims that the information that is being sought does not exist, however files were brought to the appellant to inspect for himself.

Appeal Case No. 1566 of 2019

The appellant is not convinced and has claimed the files that were brought were not in accordance with the RTI application.

The matter is pending since long and there is a constant disagreement on the information sought and the reply of the PIO. To remove this logjam the commission has made all efforts including summoning of the records. In finality, the commission concludes that the PIO relook at the RTI application and file a point wise reply on an affidavit stating all that what has been stated at the hearing i.e that the sought information does not exist.

The PIO is also directed to file reply to the show cause notice.

The case is adjourned. To come up for further hearing on **14.03.2022 at 11.00 AM.**

Chandigarh
Dated 27.10.2021

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh K.N.S Sodhi,
1634, Sector-70, Mohali.

... Appellant

Versus

Public Information Officer,
O/o GMADA, Sector-62,
Mohali.

First Appellate Authority,
O/o GMADA, Sector-62,
Mohali.

...Respondent

Appeal Case No. 1567 of 2019

PRESENT: Sh.K.N.S.Sodhi as the Appellant
Sh.Gurvinder Singh PIO for the Respondent

ORDER: The case has already been heard on 25.11.2019, 25.02.2020, 18.06.2020,10.03.2021 & 25.06.2021.

On the date of last hearing on **10.03.2021**, the appellant claimed that despite order of the Commission to provide the information within 10 days, the PIO has not provided the information.

The PIO was given one last opportunity to sort out the matter and provide complete information to the appellant within 15 days and send a compliance report to the Commission.

Since there has been an enormous delay of more than two years in providing the information, the PIO was issued a **show cause under Section 20 of the RTI Act 2005 and directed to file reply on an affidavit.**

On the date of last hearing on 25.06.2021, as per the appellant, the PIO had not provided the information.

The PIO also failed to comply with the order of the Commission. The PIO had not provided the information nor had filed a reply to the show-cause notice.

The PIO was given one last opportunity to file a reply to the show cause notice, otherwise it will be presumed that the PIO has nothing to say in the matter and the commission will act against the PIO as per provisions of section 20 of the RTI Act.

To settle the matter, which has taken undue delay, the PIO was directed to bring the entire record to the Commission on the next date of hearing. (PIO to reach Commission's office positively at 9.00 AM along with complete record for inspection of the appellant). The appellant was also directed to reach Commission's office at 9.00 AM to inspect the record. This would also be the final opportunity being provided to the appellant to inspect the record.

Hearing dated 27.10.2021:

The respondent has brought the record at the Commission's office. The appellant has inspected the record.

The respondent claims that the information that has been sought does not exist. Inspections have happened many times over, including at the Commission's office. The respondent claims that the information that is being sought does not exist, however files were brought to the appellant to inspect for himself.

Appeal Case No. 1567 of 2019

The appellant is not convinced and has claimed the files that were brought were not in accordance with the RTI application.

The matter is pending since long and there is a constant disagreement on the information sought and the reply of the PIO. To remove this logjam the commission has made all efforts including summoning of the records. In finality, the commission concludes that the PIO relook at the RTI application and file a point wise reply on an affidavit stating all that what has been stated at the hearing i.e that the sought information does not exist.

The PIO is also directed to file reply to the show cause notice.

The case is adjourned. To come up for further hearing on **14.03.2022 at 11.00 AM.**

Chandigarh
Dated 27.10.2021

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh K.N.S Sodhi,
1634, Sector-70, Mohali.

... Appellant

Versus

Public Information Officer,
O/o GMADA, Sector-62,
Mohali.

First Appellate Authority,
O/o GMADA, Sector-62,
Mohali.

...Respondent

Appeal Case No. 1568 of 2019

PRESENT: Sh.K.N.S.Sodhi as the Appellant
Sh.Gurvinder Singh PIO for the Respondent

ORDER: The case has already been heard on 25.11.2019, 25.02.2020, 18.06.2020, 10.03.2021 & 25.06.2021.

On the date of last hearing on **10.03.2021**, the appellant claimed that despite order of the Commission to provide the information within 10 days, the PIO has not provided the information.

The PIO was given one last opportunity to sort out the matter and provide complete information to the appellant within 15 days and send a compliance report to the Commission.

Since there has been an enormous delay of more than two years in providing the information, the PIO was issued a **show cause notice under Section 20 of the RTI Act 2005 and directed to file reply on an affidavit.**

On the date of last hearing on 25.06.2021, as per the appellant, the PIO had not provided the information.

The PIO also failed to comply with the order of the Commission. The PIO had not provided the information nor had filed a reply to the show-cause notice.

The PIO was given one last opportunity to file a reply to the show cause notice, otherwise it will be presumed that the PIO has nothing to say in the matter and the commission will act against the PIO as per provisions of section 20 of the RTI Act.

To settle the matter, which has taken undue delay, the PIO was directed to bring the entire record to the Commission on the next date of hearing. (PIO to reach Commission's office positively at 9.00 AM along with complete record for inspection of the appellant). The appellant was also directed to reach Commission's office at 9.00 AM to inspect the record. This would also be the final opportunity being provided to the appellant to inspect the record.

Hearing dated 27.10.2021:

The respondent has brought the record at the Commission's office. The appellant has inspected the record.

The respondent claims that the information that has been sought does not exist. Inspections have happened many times over, including at the Commission's office. The respondent claims that the information that is being sought does not exist, however files were brought to the appellant to inspect for himself.

Appeal Case No. 1568 of 2019

The appellant is not convinced and has claimed the files that were brought were not in accordance with the RTI application.

The matter is pending since long and there is a constant disagreement on the information sought and the reply of the PIO. To remove this logjam the commission has made all efforts including summoning of the records. In finality, the commission concludes that the PIO relook at the RTI application and file a point wise reply on an affidavit stating all that what has been stated at the hearing i.e that the sought information does not exist.

The PIO is also directed to file reply to the show cause notice.

The case is adjourned. To come up for further hearing on **14.03.2022 at 11.00 AM.**

Chandigarh
Dated 27.10.2021

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh K.N.S Sodhi,
1634, Sector-70, Mohali.

... Appellant

Versus

Public Information Officer,
O/o GMADA, Sector-62,
Mohali.

First Appellate Authority,
O/o GMADA, Sector-62,
Mohali.

...Respondent

Appeal Case No. 1569 of 2019

PRESENT: Sh.K.N.S.Sodhi as the Appellant
Sh.Gurvinder Singh PIO for the Respondent

ORDER:

The case has already been heard on 25.11.2019, 25.02.2020, 18.06.2020, 10.03.2021 & 25.06.2021.

On the date of hearing on **10.03.2021**, the appellant claimed that despite order of the Commission to provide the information within 10 days, the PIO has not provided the information.

The PIO was given one last opportunity to sort out the matter and provide complete information to the appellant within 15 days and send a compliance report to the Commission.

Since there has been an enormous delay of more than two years in providing the information, the PIO was issued a **show cause under Section 20 of the RTI Act 2005 and directed to file a reply on an affidavit.**

On the date of last hearing on 25.06.2021, as per the appellant, the PIO had not provided the information.

The PIO also failed to comply with the order of the Commission. The PIO had not provided the information nor had filed a reply to the show-cause notice.

The PIO was given one last opportunity to file a reply to the show cause notice, otherwise it will be presumed that the PIO has nothing to say in the matter and the commission will act against the PIO as per provisions of section 20 of the RTI Act.

To settle the matter, which has taken undue delay, the PIO was directed to bring the entire record to the Commission on the next date of hearing. (PIO to reach the Commission's office positively at 9.00 AM along with a complete record for inspection of the appellant). The appellant was also directed to reach the Commission's office at 9.00 AM to inspect the record. This would also be the final opportunity being provided to the appellant to inspect the record.

Hearing dated 27.10.2021:

The respondent has brought the record at the Commission's office. The appellant has inspected the record.

The respondent present informed that the matter has been sorted out with the appellant and the available information (copy of institutional land policy) is being provided to the appellant along with a forwarding letter as asked by the appellant and the same shall be provided within a week.

Appeal Case No. 1569 of 2019

The PIO is directed to provide whatever information is available in the record to the appellant within a week as assured and send a compliance report to the Commission.

The PIO has however, not filed reply to the show cause notice. The PIO is given one last opportunity to file reply to the show cause notice

The case is adjourned. To come up for further hearing on **14.03.2022 at 11.00 AM.**

Chandigarh
Dated 27.10.2021

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh K.N.S Sodhi,
1634, Sector-70, Mohali.

... Appellant

Versus

Public Information Officer,
O/o GMADA, Sector-62,
Mohali.

First Appellate Authority,
O/o GMADA, Sector-62,
Mohali.

...Respondent

Appeal Case No. 1570 of 2019

PRESENT: Sh.K.N.S.Sodhi as the Appellant
Sh.Gurvinder Singh PIO for the Respondent

ORDER:

The case has already been heard on 25.11.2019, 25.02.2020, 18.06.2020, 10.03.2021 & 25.06.2021.

On the date of last hearing on **10.03.2021**, the appellant claimed that despite order of the Commission to provide the information within 10 days, the PIO has not provided the information.

The PIO was given one last opportunity to sort out the matter and provide complete information to the appellant within 15 days and send a compliance report to the Commission.

Since there has been an enormous delay of more than two years in providing the information, the PIO was issued a **show cause notice under Section 20 of the RTI Act 2005 and directed to file reply on an affidavit.**

On the date of last hearing on 25.06.2021, as per the appellant, the PIO had not provided the information.

The PIO also failed to comply with the order of the Commission. The PIO had not provided the information nor had filed a reply to the show-cause notice.

The PIO was given one last opportunity to file a reply to the show cause notice, otherwise it will be presumed that the PIO has nothing to say in the matter and the commission will act against the PIO as per provisions of section 20 of the RTI Act.

To settle the matter, which has taken undue delay, the PIO was directed to bring the entire record to the Commission on the next date of hearing. (PIO to reach Commission's office positively at 9.00 AM along with complete record for inspection of the appellant). The appellant was also directed to reach Commission's office at 9.00 AM to inspect the record. This would also the final opportunity being provided to the appellant to inspect the record.

Hearing dated 27.10.2021:

The respondent has brought the record at the Commission's office. The appellant has inspected the record.

The respondent claims that the information that has been sought does not exist. Inspections have happened many times over, including at the Commission's office. The respondent claims that the information that is being sought does not exist, however files were brought to the appellant to inspect for himself.

Appeal Case No. 1570 of 2019

The appellant is not convinced and has claimed the files that were brought were not in accordance with the RTI application.

The matter is pending since long and there is a constant disagreement on the information sought and the reply of the PIO. To remove this logjam the commission has made all efforts including summoning of the records. In finality, the commission concludes that the PIO relook at the RTI application and file a point wise reply on an affidavit stating all that what has been stated at the hearing i.e that the sought information does not exist.

The PIO is also directed to file reply to the show cause notice.

The case is adjourned. To come up for further hearing on **14.03.2022 at 11.00 AM.**

Chandigarh
Dated 27.10.2021

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh. Karnail Singh, S/o Sh Chhanga Singh,
New Azad Nagar,
Ferozpur City.

... Complainant

Versus

Public Information Officer,
O/o Naib Tehsildar, Mamdot,
Distt Ferozpur.

...Respondent

Complaint Case No. 113 of 2021

PRESENT: Sh.Karnail Singh as the Complainant
None for the Respondent

ORDER:

The complainant through the RTI application dated 02.12.2020 has sought information regarding action taken on the application dated 26.02.2020(Diary No.421 dt.27.02.2020) relating to providing false documents – present status of the application and other information as enumerated in the RTI application from the office of SDM Mamdot which transferred the same to Naib Tehsildar, Mamdot Distt.Ferozpur on 09.12.2020. The complainant was not provided with the information after which the complainant filed a complaint in the Commission on 15.01.2021.

The case first came up for hearing on 28.06.2021 through video conferencing at DAC Ferozpur. The appellant informed that he had filed an RTI application with the office of SDM(Civil)Ferozpur which transferred the same to Naib Tehsildar, Mamdot on 09.12.2020 but the Naib Tehsildar has not provided any information.

The respondent was absent without any legitimate reasons for the absence. Since there has been an enormous delay of more than six months in attending to the RTI application and the Naib Tehsildar had not responded to the RTI application transferred by SDM Ferozpur on 09.12.2020, the PIO was issued a **show-cause notice under Section 20 of the RTI Act 2005 and directed to file reply on an affidavit.**

The PIO-Naib Tehsildar, Mamdot was again directed to provide whatever information exists in the record and action taken on the complaint of the appellant.

On the date of last hearing on **25.08.2021**, as per the appellant, the PIO had not supplied the information.

The respondent was absent on 2nd consecutive hearing nor had filed a reply to the show cause notice as well as not provided the information.

The PIO was given one last opportunity to appear before the Commission on the next date of hearing and file reply to the show cause notice otherwise it will be presumed that the PIO has nothing to say in the matter and the decision will be taken ex-party.

Hearing dated 27.10.2021:

As per appellant, the PIO has not supplied the information. The respondent is absent on 3rd consecutive hearing nor has sent any reply to the show cause notice.

Complaint Case No. 113 of 2021

Since the responsibility to ensure the timely transmission of correct information to the appellant lies on the PIO, the PIO-Naib Tehsildar Mamdot is hereby held guilty for not providing the information on time as prescribed under section 7, which is within 30 days of the receipt of the request. He is also held guilty of repeated defiance of the orders of the Punjab State Information Commission to provide the information. Moreover, the PIO has chosen not to reply to the show cause, which can be inferred that the PIO has nothing to say on the matter.

Further, the Commission is of the view that since the appellant has had to suffer undue inconvenience to get the information, it is a fit case for awarding compensation to the appellant u/s 19(8)(b) of the RTI Act.

The PIO-Naib Tehsildar Mamdot is directed to pay an amount of **Rs.5000/-** via demand draft through Govt. Treasury as compensation to the appellant for the loss and detriment suffered by him of having to file the appeals and not getting information in time. The PIO is directed to duly inform the commission of the compliance of the order and submit proof of having compensated the appellant.

The decision on show cause shall be taken on the next date of hearing.

To come up for further hearing on **01.12.2021 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Ferozepur.

Chandigarh
Dated :27.10.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
Ph: 0172-2864114, Email: - psicsic30@punjabmail.gov.in
Visit us: - www.infocommpunjab.com



Sh. Karnail Singh, S/o Sh Chhanga Singh,
New Azad Nagar,
Ferozpur City.

... Complainant

Versus

Public Information Officer,
O/o Naib Tehsildar, Mamdot,
Distt. Ferozpur.

...Respondent

Complaint Case No. 114 of 2021

PRESENT: Sh.Karnail Singh as the Complainant
None for the Respondent

ORDER:

The complainant through RTI application dated 26.11.2020 has sought information regarding the name of officers present during demarcation of the land of village Lakha Singh Wala bearing khewat No.393 by revenue department on 07.08.2020 relating to unauthorized mining – a copy of rule under which patwari signed the demarcation report and submitted to Mining Officer Ferozpur – a copy of demarcation report of village Lakha Singh Wala from 01.01.2020 to 01.11.2020 along with maps – a copy of movement register - name & address of the owners of land present during demarcation and other information as enumerated in the RTI application from the office of Tehsildar Ferozpur which transferred the same to Naib Tehsildar Mamdot, Distt. Ferozpur u/s 6(3) of the RTI Act. The complainant was not provided with the information after which the complainant filed a complaint in the Commission on 15.01.2021.

The case first came up for hearing on 28.06.2021 through video conferencing at DAC Ferozpur. The complainant claimed that the PIO had not provided the information.

The respondent was absent without any legitimate reasons for the absence. Since there has been an enormous delay of more than seven months in attending to the RTI application and the Tehsildar had not responded to the RTI application, the PIO was issued a **show-cause notice under Section 20 of the RTI Act 2005 and directed to file a reply on an affidavit.**

The PIO-Naib Tehsildar, Mamdot was again directed to provide whatever information is available on record.

On the date of last hearing on **25.08.2021**, as per the appellant, the PIO had not supplied the information.

The respondent was absent on 2nd consecutive hearing nor had filed a reply to the show-cause notice as well as not provided the information.

Since the PIO-Naib Tehsildar Mamdot, District Ferozpur was flouting the spirit of the RTI Act continuously and had not only shown utter disregard for the Commission's repeated orders to provide the information but had shown willful stubbornness in not replying to the Show Cause and not appearing before the commission despite various orders, to secure an erring PIO's presence before the commission, a bailable warrants of the PI-Naib Tahsildar, Mamdot was issued Under Section 18(3) of the RTI Act through Senior Superintendent of Police, Ferozpur for his presence before the Commission on 27.10.2021.

Hearing dated 27.10.2021:

The case has come up for hearing today. The appellant informed that he had filed an RTI application on 26.11.2020 with the office of Tehsildar Ferozepur who transferred the same to Naib Tehsildar Mamdot. The Naib Tehsildar Mamdot further marked the same to Kanoongo on 03.12.2020. The Kanoongo called the appellant on 22.12.2020 and informed that the RTI had been lost and asked for a fresh copy of the RTI application which was again handed over to the Kanoongo Sh.Santokh Singh. However, no information has yet been provided by the PIO.

The respondent is again absent nor has sent any reply to the show cause notice as well as not provided the information.

Since the responsibility to ensure the timely transmission of correct information to the appellant lies on the PIO, the PIO-Naib Tehsildar Mamdot is hereby held guilty for not providing the information on time as prescribed under section 7, which is within 30 days of the receipt of the request. He is also held guilty of repeated defiance of the orders of the Punjab State Information Commission to provide the information. Moreover, the PIO has chosen not to reply to the show cause, which can be inferred that the PIO has nothing to say on the matter.

Further, the Commission is of the view that since the appellant has had to suffer undue inconvenience to get the information, it is a fit case for awarding compensation to the appellant u/s 19(8)(b) of the RTI Act.

Hence the PIO-Naib Tehsildar Mamdot is directed to pay an amount of **Rs.10,000/-** via demand draft through Govt. Treasury as compensation to the appellant for the loss and detriment suffered by him of having to file the appeals and not getting information in time. The PIO is directed to duly inform the commission of the compliance of the order and submit proof of having compensated the appellant.

The decision on show cause shall be taken on the next date of hearing.

To come up for further hearing on **01.12.2021 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Ferozepur.

Chandigarh
Dated :27.10.2021

Sd/-
(Khushwant Singh)
State Information Commissioner