

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.

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Sh. Raj Ahuja s/o Sh. Bhagwan Chand,
r/o Village Gram Panchayat Neola,
Tehsil & Distt Fazilka.

....Appellant

Vs

Public Information Officer
o/o District Social Welfare Officer,
Fazilka.

First Appellate Authority
o/o District Social Welfare Officer,
Fazilka.

Sh. Kawaljeet Singh Grewal, 9915539577,
Public Information Officer-cum-
o/o District Social Welfare Officer,
Ferozepur Road, Fazilka.

Public Information Officer
o/o C.D.P.O. Fazilka,
Distt Fazilka.

Sh. Sarabjit Singh, 9803657894
Public Information Officer-cum-
Block Development and Panchayats Officer
Fazilka

Registered

....Respondents

Appeal Case No. 3210 of 2017

Present:- Sh. Raj Ahuja, appellant 9855711127
Sh. Sarabjeet Singh, Block Development and Panchayats Officer, Sh. Baljit Singh, Sr. Asstt, Sh. Rohit Kumar, Clerk o/o CDPO Fazilka on behalf of the respondents. 7973814146, 6283478313, 9592513903.

ORDER

This order may be read with reference to the previous order dated 28.7.2021.

2. The appellant has sought the following information as per his RTI application

“ਪਿੰਡ ਨਿਉਲਾ ਵਿਚ ਜਿਨ੍ਹਾਂ ਵਿਅਕਤੀਆਂ ਨੂੰ ਬੁਢਾਪਾ ਅੰਗਰੀਨ ਅਤੇ ਵਿਧਵਾ ਪੈਨਸ਼ਨ ਮਿਲ ਰਹੀ ਹੈ ਉਸ ਸਬੰਧੀ ਵੇਰਵਾ 2008 ਤੋਂ ਲੈ ਕੇ ਅੱਜ ਤੱਕ ਨਿਉਲਾ ਦੇ ਪੀ.ਐਸ.ਏ. ਨੰ: 17672, 17671, 155373, 155369, 155282, 155283, 155356, 155357, 155358, 155359, 155360, 15536, 155366, 155367, 155368, 155370, 155373, 155375, 155381, 151699, 151700, 151701 ਨਾਲ ਸਬੰਧਤ ਪੂਰਾ ਰਿਕਾਰਡ ਪ੍ਰਤੀ ਫਾਈਲ, ਰਾਸਨ ਕਾਰਡ, ਮੈਡੀਕਲ ਸਰਟੀਫਿਕੇਟ ਦੀਆਂ ਤਸਦੀਕਸ਼ੁਦਾ ਕਾਪੀਆਂ।”

3. During the last hearing, the appellant brought the fact into the notice of the Commission that the respondent-Public Information Officer-cum-CDPO Fazilka supplied the copy of pension register in which the age of father and son duo remained the same. He also

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stated that the pension has already been disbursed to ineligible persons having age less than 60 years. The appellant also placed on record a copy of register provided by the CDPO Office, Fazilka, which was taken on record.

Also last opportunity was granted to Sh. Sarabjit Singh, Block Development and Panchayats Officer-cum-Chairman, Block Samiti, Fazilka to file the reply/supply of information before the next date of hearing. He was also directed to supply the information as has been sought by the appellant else file a self declaration in accordance with the orders of the Commission dated 18.3.2021. A copy of the order dated 18.3.2021 was also sent along with this order to the Block Development and Panchayats Officer.

Also the following facts have been emerged from the affidavit dated 17.3.2021 filed by Ms Amarjeet Kaur, former CDPO, Fazilka:-

- “1. That information sought by applicant Raj Kumar Ahuja in which the record of PLA No. 151700, 151701, 151699 are traced in our official record and the same are already sent in your Hon’ble Office. Photocopy are attached herewith.
2. That the photocopies of the PLA register are attached sought by the applicant Raj Kumar Ahuja.
3. That the other record are relating with office of the Block Samiti Chairman, Fazilka because in the year 2009-2010 this officer is passing authority of pensions.”

One another fact came to the notice of the Commission during the last hearing that the CDPO, Fazilka has sent a letter bearing No. 348 dated 20.5.2021 vide which it has informed that Sh. Baljit Singh, Senior Assistant has not handed over the record in spite of the letters written to him. A copy of the letter dated 20.5.2021 was taken on record. Also the CDPO, Fazilka requested for the time in accordance with the letter dated 20.5.2021.

On the one hand the former C.D.P.O. has sent the copies of form PLA No. 151700, 151701, 151699 to the appellant and also given an affidavit that the remaining record relates to the office of the Block Samiti Chairman, Fazilka because in the year 2009-2010 the Chairman, Block Samiti, Fazilka was having the authority to pass pension cases and on the other hand the CDPO, Fazilka vide his letter dated 20.5.2021 stated that Sh. Baljit Singh,

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Sr. Asstt was directed to hand over the record but he is not handing over the record. It is also a fact on record that the letters were issued to Sh. Baljit Singh, Sr. Asstt after the submissions of the affidavit filed by the former CDPO, Fazilka Ms Amarjeet Kaur. Since, the CDPO Fazilka has requested to adjourn the case, therefore, he was directed to look into the matter personally and file the detailed reply in this regard before the next date of hearing.

4. That Sh. Baljit Singh has sent the written submissions to the Commission through whatsapp, but the same were not legible. Therefore, he was also directed to submit the legible copy of the submissions on the next date of hearing, if any, for the consideration of the Commission and the case was adjourned for 28.7.2021.

5. During the hearing today i.e. 28.7.2021, the Block Development and Panchayats Officer Sh. Sarabjeet Singh submitted the reply vide No. 2240 dated 22.7.2021 which is reproduced below:-

ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਦੇ ਸਬੰਧ ਵਿੱਚ ਬੇਨਤੀ ਸਹਿਤ ਲਿਖਿਆ ਜਾਂਦਾ ਹੈ ਕਿ ਨਿਮਨ ਹਸਤਾਖਰ ਵੱਲੋਂ ਮਿਤੀ 03.06.2021 ਨੂੰ ਬਲਾਕ ਦਾ ਚਾਰਜ ਸੰਭਾਲਿਆ ਗਿਆ ਸੀ। ਸਾਲ 2009-10 ਵਿੱਚ ਗਰਾਮ ਪੰਚਾਇਤ ਨਿਊਲਾ ਦੀਆਂ ਜਿਹੜੀਆਂ ਪੇਨਸ਼ਨਾਂ (ਵਿਧਵਾ, ਬੁਢਾਪਾ, ਅਨੁਸੂਚਿਤ ਜਾਤੀਆਂ) ਪੰਚਾਇਤ ਸੰਮਤੀ ਵਿੱਚ ਪਾਸ ਕੀਤੀਆਂ ਗਈਆਂ ਹਨ। ਉਸ ਸਬੰਧੀ ਦੱਸਿਆ ਜਾਂਦਾ ਹੈ ਕਿ ਪੰਚਾਇਤ ਸੰਮਤੀ ਵਿੱਚ ਪਾਸ ਕਰਵਾਉਣ ਤੇ ਪਹਿਲਾਂ ਬਾਲ ਵਿਕਾਸ ਅਤੇ ਪ੍ਰੋਜੈਕਟ ਅਫਸਰ ਵੱਲੋਂ ਇਹਨਾਂ ਪੇਨਸ਼ਨਾਂ ਦੀ ਪੜਤਾਲ ਆਪਣੇ ਪੱਧਰ ਦੇ ਆਪਣੇ ਅਧੀਨ ਆਉਂਦੀਆਂ ਸੁਪਰਵਾਈਜ਼ਰਾਂ ਤੇ ਕਰਵਾਈ ਜਾਂਦੀ ਸੀ ਅਤੇ ਪੜਤਾਲ ਉਪਰੰਤ ਹੀ ਯੋਗ ਅਤੇ ਅਯੋਗ ਲਾਭਪਾਤਰੀਆਂ ਦੀਆਂ ਲਿਸਟਾਂ ਸੀ.ਡੀ.ਪੀ.ਓ. ਵੱਲੋਂ ਪੰਚਾਇਤ ਸੰਮਤੀ ਦੀ ਮੀਟਿੰਗ ਵਿੱਚ ਪਾਸ ਕਰਵਾਉਣ ਲਈ ਪੇਸ਼ ਕੀਤੀਆਂ ਜਾਂਦੀਆਂ ਹਨ। ਮੀਟਿੰਗ ਵਿੱਚ ਪੰਚਾਇਤ ਸੰਮਤੀ ਚੇਅਰਮੈਨ ਵੱਲੋਂ ਜੋ ਕਿ ਲੋਕਾਂ ਦੇ ਚੁਣੇ ਹੋਏ ਨੁਮਾਇੰਦੇ ਹੁੰਦੇ ਹਨ, ਬਾਲ ਵਿਕਾਸ ਅਤੇ ਪ੍ਰੋਜੈਕਟ ਅਫਸਰ ਦੀ ਸਿਫਾਰਸ਼ ਦੇ ਆਧਾਰ ਤੇ ਯੋਗ ਪੇਨਸ਼ਨਾਂ ਨੂੰ ਮੰਜੂਰੀ ਦਿੰਦੇ ਹਨ ਅਤੇ ਅਯੋਗ ਪੇਨਸ਼ਨਾਂ ਨੂੰ ਰੱਦ ਕਰਦੇ ਹਨ। ਇਸ ਲਈ ਪੰਚਾਇਤ ਸੰਮਤੀ ਵੱਲੋਂ ਸਿਰਫ ਪ੍ਰਵਾਨਗੀ ਪ੍ਰਗਟਾਈ ਜਾਂਦੀ ਹੈ। ਜੱਦੋ ਕਿ ਯੋਗ ਅਤੇ ਅਯੋਗ ਲਾਭਪਾਤਰੀਆਂ ਦੀ ਲਿਸਟ ਵਿੱਚ ਬਾਲ ਵਿਕਾਸ ਅਤੇ ਪ੍ਰੋਜੈਕਟ ਅਫਸਰ ਵੱਲੋਂ ਪ੍ਰਵਾਨਗੀ ਹਿੱਤ ਪੇਸ਼ ਕੀਤੀ ਜਾਂਦੀ ਹੈ। (ਇੱਥੇ ਆਪ ਜੀ ਦੇ ਹਿਸਾਬ ਇਹ ਮਾਮਲਾ ਜਾਂਦਾ ਹੈ ਕਿ ਆਪ ਜੀ ਦੀ ਸੇਵਾ ਵਿੱਚ ਸੂਚਨਾ ਅਤੇ ਅਗਲੇਰੀ ਲੋੜੀਂਦੀ ਕਾਰਵਾਈ ਹਿੱਤ ਪੇਸ਼ ਹੈ ਜੀ।

6. Also Sh. Baljit Singh, Sr. Asstt. filed his submission which is reproduced below:-

ਮੈਂ ਬਲਜੀਤ ਸਿੰਘ ਸੀਨੀਅਰ ਅਸਿਸਟੈਂਟ ਦਫਤਰ ਬਾਲ ਵਿਕਾਸ ਪ੍ਰੋਜੈਕਟ ਅਫਸਰ ਗੁਰੂਹਰਸਹਾਏ ਵਿਖੇ ਕੰਮ ਕਰ ਰਿਹਾ ਹਾਂ ਮੈਂ ਦਫਤਰ ਬਾਲ ਵਿਕਾਸ ਪ੍ਰੋਜੈਕਟ ਅਫਸਰ ਫਾਜ਼ਿਲਕਾ ਵਿਖੇ 16.1.2014 ਨੂੰ ਜੁਆਇਨ ਕੀਤਾ ਸੀ ਜੋ ਆਰ.ਟੀ.ਆਈ. ਰਾਜ ਕੁਮਾਰ ਅਹੁਜਾ ਵੱਲੋਂ ਕੇਸ ਨੰਬਰ 3210 ਸਬੰਧੀ ਉਹ ਕੇਸ 2009-10 ਨਾਲ ਸਬੰਧਤ ਹੈ ਜੋਕਿ ਉਸ ਸਮੇਂ ਬਲਾਕ ਸੰਮਤੀ ਵੱਲੋਂ ਪਾਸ ਕੀਤੇ ਜਾਂਦੇ ਸਨ ਅਤੇ ਚੇਅਰਮੈਨ ਬਲਾਕ ਸੰਮਤੀ ਵੱਲੋਂ ਹੀ ਮੰਨਜੂਰ ਕੀਤੇ ਜਾਂਦੇ ਸਨ। ਇਹ ਆਪ ਜੀ ਦੀ ਸੂਚਨਾ ਹਿੱਤ ਹੈ ਜੀ।

7. Sh. Rohit Kumar, Clerk o/o the CDPO Fazilka filed the submission in this case which is reproduced below:-

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”ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਦੇ ਸਬੰਧ ਵਿੱਚ ਬੇਨਤੀ ਕੀਤੀ ਜਾਂਦੀ ਹੈ ਕਿ ਮੈਂ ਰੋਹਿਤ ਕੁਮਾਰ ਪੁੱਤਰ ਸ਼੍ਰੀ ਸੁਭਾਸ਼ ਚੰਦਰ ਬਤੌਰ ਕਲਰਕ 1.9.2020 ਨੂੰ ਸੀ.ਡੀ.ਪੀ.ਓ. ਫਾਜ਼ਿਲਕਾ ਨੂੰ ਜੁਆਇੰਨ ਕੀਤਾ ਸੀ। ਇਸ ਕੇਸ ਦੇ ਸਬੰਧ ਵਿੱਚ ਜੋ ਵੀ ਰਿਕਾਰਡ ਮੰਗਿਆ ਗਿਆ ਸੀ। ਮੈਨੂੰ ਇਸ ਦਫਤਰ ਵਿੱਚ ਪੀ.ਐਲ.ਏ ਨੰ: 151699, 151701 ਅਤੇ 151700 ਤੋਂ ਇਲਾਵਾ ਕੋਈ ਹੋਰ ਫਾਰਮ ਪ੍ਰਾਪਤ ਨਹੀਂ ਹੋਏ। ਇਸ ਤੋਂ ਇਲਾਵਾ ਇਸ ਦਫਤਰ ਵਿੱਚ ਕੋਈ ਹੋਰ ਪੀ.ਐਲ.ਏ. ਦੇ ਫਾਰਮ ਨਹੀਂ ਹਨ। ਇਹ ਆਪ ਦੀ ਅਗਲੇਰੀ ਕਾਰਵਾਈ ਅਤੇ ਸੂਚਨਾ ਹਿੱਤ ਪੇਸ਼ ਹੈ”

8. Keeping in view the above, it is observed that the record concerning the sought information is not available with the respondent authorities. But it has transpired that the copies of three forms have been supplied by the CDPO Office. Also a copy of the PLA register has been supplied by the CDPO Office. Since the date of RTI application, no such effort has been made by the CDPO office to trace the record concerning the sought information although an effort was made by the CDPO as per the letter dated 20.5.2021 vide which it has informed that Sh. Baljit Singh, Senior Assistant has not handed over the record. Accordingly, the CDPO was directed to file the detailed reply in this regard but neither the CDPO is present nor any detailed reply has been received from him. But the representative of the CDPO office has given an undertaking that no record is available in their office except the copies of three forms and the PLA register, copy of which has already been supplied to the appellant. As far as the Block Development and Panchayats Officer is concerned, he has also filed the reply that nothing is available on record regarding the sought information. Also Sh. Baljit Singh, Sr. Asstt has filed his written submission as mentioned herein but he has not submitted anything about handing over/taken over the record concerning the sought information.

9. The penalty was also imposed upon the Public Information Officer o/o the District Social Security Officer, Fazilka vide order dated 30.10.2019 in this case but keeping in view the submission made by the Public Information Officer o/o the District Social Security Officer, Fazilka and the custodian of the record i.e. C.D.P.O. Fazilka, the penalty imposed upon the Public Information Officer o/o the District Social Security officer, Fazilka is hereby withdrawn.

10. In accordance with the submissions made by the parties in the absence of record, no further directions can be given to the respondent authorities in this case. Therefore, the case is disposed of and closed. But it is also a fact on record that the record regarding the

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sought information is missing. It is also a fact on record that as per the PLA form shown by the appellant that both son and father duo has been given/sanctioned the old age pension and their age has been shown as 65 years. Therefore, due to these reasons and the financial implications involved in this case, keeping in view the mandate of the RTI Act, 2005 i.e. Transparency and Accountability, the copy of the case file is being sent to the Chief Director, Vigilance Bureau Punjab to look into the matter.

Sd

(Preety Chawla)

State Information Commissioner,
Punjab

Dated: 28.7.2021

sd

(Suresh Arora)

Chief Information Commissioner,
Punjab.

CC PS/SIC(PC)

Sh. MS Chhatwal, IAS
Director,
Rural Development & Panchayat Deptt., Pb.
Vikas Bhawan, Sector 62,
Mohali

To look into the matter
as the record pertaining to the RTI
application(attached herewith) is
missing.

Sh. Vipul Ujwal, IAS
Director, Social Sec. Women & Child
Development Punjab,
Sector 34-A,
Chandigarh.

-do-

Chief Director, **Registered**
Vigilance Bureau, Punjab
Vigilance Bhawan,
Mohali