



Sh. Baljeet Singh Gill,
S/o Sh. Gurcharan Singh,
R/o Village- Kokari Kalan,
Patti Nangal, Distt. Moga.

Appellant

Versus

Public Information Officer,
O/o Block Development and Panchayat Officer,
Block-1, Moga.

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

Respondents

Appeal Case No.2/2019

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
13.09.2018	Nil	25.10.2018	Nil	12.12.2018

Present: Appellant- Sh. Baljit Singh Gill.
Respondents- None.

ORDER

23.07.2019: The following order was passed on 05.09.2019:

“Having failed to procure the information on his application dated 25.10.2018 and even filing of the first appeal, the appellant has been constrained to file 2nd appeal with the Commission. The Commission finds that the information involved is for a period of 5 years which may ultimately pile up to a voluminous bunch. Such an indiscriminate provision by Xeroxing the copies in massive bulk does not seem in public interest. The respondents should allow the appellant an inspection of complete record within 7 days of the receipt of this order after intimating him the definite date, time and venue and thereafter, furnish him the copies of the documents upto 200 pages only which should be relevant to his cause. In case the appellant is still not satisfied, he may approach the BDPO to convince him about the insufficiency of quantum who shall decide the further requisition on merits.

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In the meanwhile, while taking cognizance of the violation under Section 7(i) of the RTI Act, the Commission issues a show cause notice to the BDPO Moga 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.

05.09.2019

The matter has come up today. The respondents are absent on consecutive hearings, even in the face of the fact that a show cause notice for imposition of penalty is issued. The BDPO has shown a scant regard and defiance to the directions passed by the Commission as reproduced above. The Commission is not left with any alternative, but to penalize him.

Exercising its authority under section 20 (1) of the RTI Act, the Commission



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imposes a penalty of Rs. 10,000/- (Ten Thousand only) in lump sum on the PIO, O/o BDPO, Block-I, Moga, to be recovered from the salary in two equal installments from the month of October onwards by challan. The DDO shall deposit it in the Govt. treasury under the head: -
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/- (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.”

No compliance has been received of this order. The Director, Department of Rural Development and Panchayat, is directed to ensure its compliance and intimate the Commission before the next date of hearing.

29.10.2019

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

CC: The Director, Department of Rural Development and Panchayat, Sector-62, Mohali.