

(TO BE SUBSTITUTED FOR THE ORDER BEARING SAME DATE)

Ms Priti Puri,
R/o # 1803, Ground Floor,
Housefed Complex,
Phase-X, Mohali.

Appellant

Versus

Public Information Officer,
O/o Director,
Rural Dev. & Panchayats, Punjab,
Phase-8 S.A.S Nagar.

First Appellate Authority,
O/o Director of Rural and Development Panchayats,
Punjab, Phase-8, S.A.S Nagar.

Respondents

Appeal Case No.3032/2018

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
21.03.2018	Nil	28.04.2018	Nil

Present: Ms. Priti Puri, Appellant in person.
Sh. Sukhminder Singh, Sr. Assistant, O/o DPI (EE), Punjab – for Respondents.

ORDER:

The following order was passed by this forum on 11.04.2019:

“The appellant had sought to know the information about vacancy position in the year 2007 for the recruitment of teachers in the office of Zila Parishad, Amritsar.

The respondents state that the entire record has been transferred to the Department of Education and this information is likely to be available in the office of the District Education Officer (EE), Amritsar. They were required to immediately transfer her application to the concerned Public Authority under Section 6(3) of the RTI Act. Nonetheless, they are directed to locate the source of information and transfer the application to the Public Authority within three days from today. The concerned Authority shall provide the information within thirty days of receipt of the communication.”

“The case has come up today. Sh. Jasbir Singh, Sr. Assistant appearing on behalf of the respondents submits that in compliance with the order of the Commission, her application was transferred to the ADC (Dev.), Amritsar.

The Additional Deputy Commissioner (Dev.), Amritsar is required to file a reply besides arranging to provide the information before the next date of hearing positively.”



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Appeal Case No.3032/2018

Sh. Jasbir Singh, Senior Assistant appearing on behalf of the respondents submits that the entire record has been transferred to the Director of Public Instructions (EE), Punjab, Phase - VIII, SAS Nagar (Mohali). The appeal is directed to the Director, Public Instructions (EE), Punjab, with the direction to do the needful quickly. The Commission understands that the Rural Development and Panchayats Department has provided the information available with them. Accordingly, they are exempt from further appearance in the proceedings."

The matter has again been taken up today. Vide aforesaid order the DPI (EE) was directed to provide the information as the Director of Rural Development & Panchayats, Pb., had conveyed in writing that the entire record from scratch was transferred to the DPI (EE).

The proxy of the DPI (EE) today appeared and has submitted a memo wherein they have denied the receipt of record in contention. They have desired to know the relevant memo under which the record in contention was transferred. Their contention seems logical. The Director of Rural Dev. & Panchayats, Punjab, vide order dated 12.03.2019 were exempt from hearing. As the DPI (EE) denies their contention they are once again directed to communicate to the Commission the letter or memo vide which the record as claimed by them, was transferred to the DPI (EE).

It is an important issue. About more than 1500 teachers were recruited in the year 2007. The contention that advertisement in the newspapers vide which the applications were sought, is not traceable does not cut ice. The respondents in both the departments are directed to put down their head in locating the advertisement in question failing which the Commission shall take adverse cognizance of the same and proceed to impose penalty for the default"

In the express orders of the Commission, the PIO in the office of Director, Rural Development & Panchayats is directed to convey the details of the dispatch with which the record was sent to the DPI (EE). The respondents are absent. No communication has been received about the compliance of directions. The Commission takes strong exception to the cavalier conduct of the respondents and the PIO in the office of Director, Rural Development & Panchayats, Punjab,



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APPEAL CASE NO. 3032/2018

Mohali is hereby issued 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 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.

To come up on **23.07.2019 at 11.30 AM.**

30.05.2019

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

CC: The Director of Public Instructions (EE), Punjab, Phase VIII, SAS Nagar (Mohali) for necessary action.