



DOUBLE BENCH

Shri Jasbir Singh, (M: 98882-96107),
Village Bholapur, Jhabewal,
Post Office Ramgarh, Distt. Ludhiana.

.....Appellant.

Vs

Public Information Officer,
O/ o Chief Administrator,
Punjab Urban Planning and Development Authority,
Roopnagar.

First Appellate Authority:
O/o Chief Administrator,
Punjab Urban Planning and Development Authority,
Mohali.

.....Respondent

Appeal Case No. 2736 of 2019

Present:- Shri Jasbir Singh, appellant is absent.
Shri Rajwinder Raju, PIO-cum-Administrative Officer, PUDA, Roopnagar is present.

ORDER

Shri Jasbir Singh, appellant filed RTI application dated 07.05.2019 and sought some information **regarding the PUDA approved colonies, plots and flats** from the PIO, O/o Chief Administrator, Punjab Urban Planning and Development Authority, Roopnagar. When no information was provided to him by the PIO, then he filed First Appeal before the First Appellate Authority on 13.06.2019. Then the appellant filed Second Appeal before the Punjab State Information Commission on 29.07.2019.

The case was registered and allocated to the Bench of Ld. State Information Commissioner, Shri Asit Jolly and during the course of hearing on 25.09.2019, the appellant, Shri Jasbir Singh vide his mail dated 12.09.2019, informed the Commission that he has received the requested information and no longer wishes to pursue this case, but as the PIO was absent on that date, so he was directed to attend the hearing on the next date on 06.11.2019 along with the copy of information.

On 06.11.2019, the PIO was again absent, so the Ld. State Information Commissioner, Shri Asit Jolly has issued a Show Cause Notice to Shri Rajwinder Raju, PIO-cum-Administrative Officer, PUDA, Roopnagar as to why a penalty should not be imposed upon him U/s 20(1) of the RTI Act, 2005 for causing willful delay/denial of the information requested by the appellant and the PIO was directed to file written reply to the Show Cause Notice.

On 27.12.2019, the PIO was again absent, so the Ld. State Information Commissioner, Shri Asit Jolly imposed a penalty of Rs.5,000/- upon Shri Rajwinder Raju, PIO-cum-Administrative Officer, PUDA, Roopnagar and directed that the amount of penalty be deducted from his salary and be deposited in the Govt. treasury.

On the next date of hearing i.e. 19.02.2020, Shri Rajwinder Raju, PIO-cum-Administrative Officer, PUDA, Roopnagar appeared in person and contended that he was made the PIO on 27.09.2019, whereas the Commission's first Notice of Hearing was dated 16.08.2019. He also claimed that he did not receive this Commission's Show Cause of 06.11.2019 and requested that the penalty imposed upon him be reviewed. He has also submitted his detailed written submission dated 24.01.2020 to the Commission, which is in the file of the Commission.

In view of the plea of the PIO, Shri Rajwinder Raju, the Ld. State Information Commissioner, Shri Asit Jolly referred the case file to the Hon'ble Chief Information Commissioner for reassignment of the case to some other Bench or Double Bench.

The Hon'ble Chief Information Commissioner vide Order dated 26.02.2020, constituted a Division Bench consisting of the Present Bench and the Bench of Ld. State Information Commissioner, Shri Sanjiv Garg.

Today the case is heard through CISCO Webex Meetings Software.

The appellant is absent today, whereas Shri Rajwinder Raju, PIO-cum-Administrative Officer, PUDA, Roopnagar has appeared through CISCO Webex.

We have heard the PIO, Shri Rajwinder Raju and also gone through his representation dated 24.01.2020.

The PIO stated that the appellant has filed RTI application on 07.05.2019, but he was designated as PIO, PUDA, Roopnagar vide Office Order dated 27.09.2019, but the said Office Order was not received by him, however the photocopy of the Office Order has been received by him on 25.10.2019. He further stated that he has no knowledge regarding the pendency of the present case as the concerned RTI Branch has not brought to his notice regarding the present case, therefore he has not attended the hearing before the Commission on 29.08.2019 and 25.09.2019.

The PIO further stated that he was on earned leave from 04.11.2019 to 29.11.2019, hence he has not attended the hearing before the Commission on 06.11.2019 and the Hon'ble State Information Commissioner, Shri Asit Jolly vide Order dated 06.11.2019 has issued him a Show Cause Notice for causing willful delay/denial of the information and then vide Order dated 27.12.2019 imposed a penalty of Rs.5,000/- upon him.

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The PIO requested that in view of the facts as stated by him the penalty of Rs.5,000/- may please be waived off. He further tendered unconditional apology and assured the Commission that in future he will provide the information to the information seekers within the stipulated time.

After hearing the PIO, Shri Rajwinder Raju and after going through the case file, it is clear that the appellant has filed RTI application on 07.05.2019, but Shri Rajwinder Raju was designated as PIO, PUDA, Roopnagar vide Office Order dated 27.09.2019. He has not attended the hearing before the Commission on 29.08.2019 and 25.09.2019 as the pendency of the case was not brought to his knowledge by the concerned RTI Branch and further he has not attended the hearing before the Commission on 06.11.2019 as he was on earned leave from 04.11.2019 to 29.11.2019.

In view of the above mentioned facts, we are of the view that Shri Rajwinder Raju, PIO-cum-Administrative Officer, PUDA, Roopnagar is not personally liable for the delay in providing the information to the appellant and moreover the information in the present case has already been provided to the appellant. So, the penalty of Rs.5,000/- imposed upon Shri Rajwinder Raju, PIO-cum-Administrative Officer, PUDA, Roopnagar is hereby waived off with a warning to him that in future he should remain more vigilant towards his duties and will provide the information to the information seekers within the stipulated period.

With this the present appeal case is **disposed of and closed**.

(SANJIV GARG)

State Information Commissioner, Punjab

(AVTAR SINGH KALER)

State Information Commissioner, Punjab

Dated :30.06.2021, Chandigarh.

CC: PS/Reader to SIC (SG) for your kind information.