



Sh Rajesh Kumar, S/o Sh. Bal Kishan,
R/o JhulnaMehal, Distt Gurdaspur.
M-98155-17685

... Appellant

Versus

Public Information Officer,
O/o District Program Officer,
Gurdaspur.

First Appellate Authority,
O/o Director,
Social Security Women & Child Development,
Pb, SCO-102-103, Sector-34-A, Chandigarh.

...Respondent

Appeal Case No. 5420 of 2021

PRESENT: Sh.Rajesh Kumar as the Appellant
Smt.Sumandeep Kaur, Distt.Programme Officer for the Respondent

ORDER:

The appellant, through an RTI application dated 18.05.2021, has sought information regarding the documents submitted by Sh.Sunil Joshi Child Security Officer posted at Gurdaspur while applying for an appointment and other information as enumerated in the RTI application concerning the office of District Programme Officer Gurdaspur. The appellant was not satisfied with the reply of the PIO dated 03.06.2021, after which the appellant filed a first appeal before the first appellate authority on 31.07.2021, which did not decide on the appeal.

The case last came up for hearing on 01.06.2022 through video conferencing at DAC Gurdaspur. Due to the non-working of VC at DAC Gurdaspur, the hearing could not take place.

The Commission received a letter from the PIO on 24.05.2022 stating that since the information is 3rd party information and the 3rd party has not given its consent to disclose the information, the reply has been sent to the appellant vide letter dated 03.06.2021.

Hearing dated 30.06.2022:

The case has come up for hearing today through video conferencing at DAC Gurdaspur. The appellant claims that the PIO has not supplied the information.

The respondent present pleaded that since the information being 3rd party, and the 3rd party has not given its consent to disclose the information, it cannot be provided under section 8(1)(j) of the RTI Act.

Having gone through the record, the Commission observes that there is nothing on record which establishes that there is a larger public interest involved in disclosure of the information, hence rejected.

The case is **closed**.

Chandigarh
Dated: 30.06.2022

Sd/-
(Khushwant Singh)
State Information Commission



Sh Rajesh Kumar, S/o Sh. Bal Kishan,
R/o JhulnaMehal, Distt Gurdaspur.
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... Appellant

Versus

Public Information Officer,
O/o District Program Officer,
Gurdaspur.

First Appellate Authority,
O/o Director,
Social Security Women & Child Development,
Pb, SCO-102-103, Sector-34-A, Chandigarh.

...Respondent

Appeal Case No. 5282 of 2021

PRESENT: Sh.Rajesh Kumar as the Appellant
Smt.Sumandeep Kaur, Distt.Programme Officer for the Respondent

ORDER:

The appellant, through an RTI application dated 24.06.2021, has sought information regarding the qualification and experience required for the post of Child Security Officer, CPO and Institutional care (IC) and other information as enumerated in the RTI application concerning the office of District Programme Officer Gurdaspur. The appellant was not provided with the information, after which the appellant filed a first appeal before the first appellate authority, which did not decide on the appeal.

The case last came up for hearing on 01.06.2022 through video conferencing at DAC Gurdaspur. Due to the non-working of VC at DAC Gurdaspur, the hearing could not take place. The case was adjourned.

Hearing dated 30.06.2022:

The case has come up for hearing today through video conferencing at DAC Gurdaspur. As per respondent, the information has already been sent to the appellant.

The appellant has not received the information.

The PIO is directed to provide a copy of the information to the appellant duly attested by the PIO immediately today itself with a copy to the Commission.

With the above order, the case is **disposed of and closed**.

Chandigarh
Dated: 30.06.2022

Sd/-
(Khushwant Singh)
State Information Commission



Sh. Lajpat Rai, S/o Sh.Harbans Lal,
H No-B-3/287, Romana Street,
Jaito, Distt.Faridkot.

... Appellant

Versus

Public Information Officer,
O/o SSP,
Faridkot.

First Appellate Authority,
O/o SSP,
Faridkot.

...Respondent

Appeal Case No. 2564 of 2020

PRESENT: Sh.Lajpat Rai as the Complainant
Sh.Pawandeep Singh, RTI Assistant O/o SSP Faridkot for the Respondent

ORDER:

The appellant through RTI application dated 26.05.2020 has sought information regarding case No.80 dated 30.05.2019 police station Jaito relating to a cross-case – enquiry report, statement of witnesses –CDs and other documents – status report on the action taken till 27.05.2020 and other information as enumerated in the RTI application concerning the office of SSP Faridkot. The appellant was not provided with the information after which the appellant filed the first appeal before the First Appellate Authority on 30.05.2020 which took no decision on the appeal.

The case first came up for hearing on 31.05.2021. The respondent present pleaded that the information has already been provided to the appellant vide letters dated 08.07.2020 and 12.02.2021.

As per the appellant, the information was incomplete. Having gone through the RTI application and hearing both the parties, the following was concluded:

Point-1 & 2	As per the respondent enquiry is pending and information cannot be provided	-	Merely stating that the enquiry is pending is not the correct way to deny the information. The PIO is directed to justify the usage of exemptions in section 8 and give it in writing why disclosure of information will hamper the investigation.
Point-3	As per respondent, the information has been provided	The appellant has not received the information	PIO to provide the information
Point-4	As per the respondent, the information has been provided	As per the respondent information is incomplete	PIO to sort out the discrepancies as per the RTI application and provide the complete information.

Appeal Case No. 2564 of 2020

On the date of the hearing on **21.09.2021**, the respondent informed that the information relating to points 1 & 2 is ready and the information on points 3 & 4 has been provided to the appellant.

The appellant was not satisfied and informed that the PIO has not supplied the complete information as per the order of the Commission as well as not supplied CD and photographs as asked for in point-1

The respondent informed that the CD is not available with them.

The PIO was given one last opportunity to comply with the earlier order of the Commission and remove the discrepancies and provide complete information whatever is available in the record to the appellant within 15 days and send a compliance report to the Commission otherwise the Commission will be constrained to initiate proceedings against the PIO under section 20 of the RTI Act.

If the information is not available, give it in writing on an affidavit. The affidavit should be on stamp paper duly signed by PIO.

On the date of the hearing on **24.01.2022**, the respondent informed that the available information has been provided and no further information is available in the record.

As per the appellant, the information was incomplete and discrepancies have already been informed to the PIO.

The PIO was given one last opportunity to give in writing on an affidavit that the information that has been provided is true, and complete and no further information is available in the record relating to this RTI application. The affidavit should be on a stamp paper duly signed by the PIO and attested by the competent authority.

On the date of last hearing on **31.05.2022**, the respondent informed that in compliance with the order of the Commission, an affidavit has been provided to the appellant vide letter dated 25.02.2022.

The appellant had not received the affidavit.

The Commission received a copy of a letter dated 25.02.2022 from the DSP-cum-APIO alongwith an affidavit which was taken on record. However, the affidavit was neither on stamp paper nor signed by the PIO. The PIO was directed to provide an affidavit on stamp paper duly signed by the PIO-cum-SSP to the appellant with a copy to the Commission. The affidavit be provided within 10 days of the receipt of the order.

Hearing dated 30.06.2022:

As per the respondent, an affidavit has been provided to the appellant and a copy of the same was sent to the Commission.

The appellant has received the affidavit.

With the above, the matter relating to the information stands complied with. No further interference of the Commission is required.

The case is **disposed of and closed**.

Chandigarh
Dated :30.06.2022

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh. Lajpat Rai, S/o Sh.Harbas Lal,
H No-B-3/287, Romana Street,
Jaito, Distt.Faridkot.

... Appellant

Versus

Public Information Officer,
O/o SSP,
Faridkot.

First Appellate Authority,
O/o SSP,
Faridkot.

...Respondent

Appeal Case No. 2567 of 2020

PRESENT: Sh.Lajpat Rai as the Complainant
Sh.Pawandeep Singh, RTI Assistant O/o SSP Faridkot for the Respondent

ORDER:

The appellant through RTI application dated 27.09.2019 has sought information regarding the action taken report on the complaints of RTI Activists Association filed against employees of MC Jaito on 04.06.2019 – enquiry report in case No.80/2019 –Sunita Devi – witness statement dated 20.06.2019 as enumerated in the RTI application concerning the office of SSP Faridkot. The appellant was not provided with the information after which the appellant filed the first appeal before the First Appellate Authority on 31.10.2019 which took no decision on the appeal.

The case first came up for hearing on 31.05.2021. The respondent present pleaded that the information has already been provided to the appellant vide letter dated 12.02.2021.

As per the appellant, the information was incomplete. Having gone through the RTI application and hearing both the parties, the following was concluded:

Point-1	As per the respondent, the information has been provided	As per the appellant, the information is incomplete since the PIO has not provided copies of the applications	The PIO is directed to sort out the discrepancies
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Point-2	As per the respondent an enquiry is pending and information cannot be provided	As per the appellant, the enquiry has been completed but the PIO is not providing the information	Merely stating that the enquiry is pending is not the correct way to deny the information. The PIO is directed to justify the usage of exemptions in section 8 and give it in writing why disclosure of information will hamper the investigation process and pass a speaking order.
Point-3	As per the respondent, the information has been provided	As per the appellant, the information is incomplete	The PIO is directed to sort out the discrepancies
Point-4 & 5	As per the respondent, the information(55 pages) has been provided		Provided

Appeal Case No. 2567 of 2020

On the date of hearing on **21.09.2021**, the respondent informed that the complete information as per order has been provided to the appellant vide letter dated 10.06.2021.

As per the appellant, the information on point-3 was incomplete.

The PIO was given one last opportunity to comply with the earlier order of the Commission and remove the discrepancies and provide complete information whatever is available in the record to the appellant within 15 days and send a compliance report to the Commission otherwise the Commission will be constrained to initiate proceedings against the PIO under section 20 of the RTI Act.

If the information is not available, to give in writing on an affidavit. The affidavit should be on stamp paper duly signed by PIO.

On the date of the hearing on **24.01.2022**, the respondent informed that the available information has been provided and no further information is available in the record.

As per the appellant, the information was incomplete and discrepancies have already been informed to the PIO.

The PIO was given one last opportunity to give in writing on an affidavit that the information that has been provided is true, and complete and no further information is available in the record relating to this RTI application. The affidavit should be on a stamp paper duly signed by the PIO and attested by the competent authority.

On the date of last hearing on **31.05.2022**, the respondent informed that in compliance with the order of the Commission, an affidavit has been provided to the appellant vide letter dated 25.02.2022.

The appellant had not received the affidavit.

The Commission received a copy of the letter dated 25.02.2022 from the DSP-cum-APIO alongwith an affidavit which was taken on record. However, the affidavit was neither on stamp paper nor signed by the PIO. The PIO was directed to provide an affidavit on stamp

paper duly signed by the PIO-cum-SSP to the appellant with a copy to the Commission. The affidavit be provided within 10 days of the receipt of the order.

Hearing dated 30.06.2022:

As per respondent, an affidavit has been provided to the appellant and a copy of the same sent to the Commission.

The appellant has received the affidavit.

With the above, the matter relating to the information stands complied with. No further interference of the Commission is required.

The case is **disposed of and closed.**

Chandigarh
Dated :30.06.2022

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. Lajpat Rai, S/o Sh. Harbas Lal,
H No-B-3/287, Romana Street,
Jaito, Distt. Faridkot.

... Complainant

Versus

Public Information Officer,
O/o EO, MC,
Jaito, District Faridkot

... Respondent

Complaint Case No. 637 of 2020

PRESENT: Sh. Lajpat Rai as the Complainant
Sh. Gurdas Singh-PIO for the Respondent

ORDER:

The complainant through RTI application dated 27.07.2020 has sought information on 16 points regarding the transfer of property in register 1979-80, 1985 wherein the property was transferred on 21.03.2002 in the name of Surinder Kumar, Sunderpal, Mahinderpal and other information as enumerated in the RTI application concerning the office of EO-MC Jaito, District Faridkot. The complainant was not provided with the information after which the complainant filed a complaint in the Commission on 09.09.2020.

The case first came up for hearing on 31.05.2021. The appellant claimed that the PIO has not provided the information.

The respondent was absent.

The RTI application of the complainant was not legible. The appellant was directed to send a legible typed copy of the RTI application for me to pursue this case further.

On the date of the hearing on **21.09.2021**, the appellant sent a legible copy of the RTI application which was taken on the file of the Commission.

The respondent was absent the order dated 31.05.2021 sent to the PIO had been returned on 02.07.2021 with the remarks of postal authority "Refused due to strike".

The PIO was directed to appear personally before the Commission on the next date of hearing alongwith the reasons for not attending to the RTI application as well as refusing to accept the notice of the Commission.

A copy of the order was sent to the Deputy Commissioner, Faridkot with the direction to ensure that the order of the Commission is served to the PIO and the PIO appears before the Commission on the next date of hearing.

On the date of the hearing on **24.01.2022**, the appellant claimed that the PIO has supplied the information.

The respondent was absent. The case was adjourned.

On the date of last hearing on 31.05.2022, the case was adjourned.

Hearing dated 30.06.2022:

The respondent has brought the information and handed it over to the appellant.

The appellant has received the information.

Since the information has been provided, no further course of action is required. The case is **disposed of and closed**.

Chandigarh
Dated :30.06.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to: 1. Addl Deputy Commissioner,
Urban Development,
Faridkot.



Sh Lajpat Rai, S/o ShHarbans Lal,
Romana Street, Jaito,
Tehsil & Distt Faridkot.

... Complainant

Versus

Public Information Officer,
O/o DSP, Jaito,
Distt. Faridkot.

First Appellate Authority,
O/o SSP,
Faridkot.

...Respondent

Appeal Case No. 1865 of 2021

PRESENT: Sh.Lajpat Rai as the Appellant
Sh.Prem Pal, ASI for the Respondent

ORDER:

The appellant through an RTI application dated 26.09.2020 has sought information regarding enquiry reports on applications submitted by the appellant, Bimla Devi, Sunita Devi as per diary register from 29.05.2019 – enquiry reports filed by MC Jaitu employees against the appellant or Sunita Devi – statement of Sunita Devi including an affidavit, statement of MC employees in FIR No.80 dt.30.05.2019 and other information as enumerated in the RTI application from the office of DSP Jaito. The appellant was not provided with the information provided after which the appellant filed the first appeal before the first appellate authority on 24.12.2020 which took no decision on the appeal. The appellant had filed an appeal under Life & Liberty; however, the Hon'ble CIC has ordered to consider the case under the general category.

The case first came up for hearing on 04.10.2021 through video conferencing at DAC Faridkot. As per the appellant, the PIO had not supplied the information.

The respondent pleaded that the information sought by the appellant was not specific since it was not clear what the appellant sought. Thereafter after having discussions with the appellant, the sought information was clarified and the respondent was assured to provide the information within 15 days.

On the date of the hearing on **24.01.2022**, the appellant informed that the PIO has not supplied the information.

The respondent present pleaded that the appellant has not specified the information.

During the hearing on 04.10.2021, the appellant clarified the information and the respondent (Sh.Sanjeev Kumar, DSP) assured to provide the information. The PIO was given one last opportunity to comply with the earlier order of the Commission and provide complete information to the appellant, failure of which, can attract a show-cause notice to the PIO as per provisions of section 20 of the RTI Act.

On the date of the last hearing on **31.05.2022**, the respondent present informed that the information has already been supplied to the appellant.

The appellant informed that the PIO had not supplied the complete information as per the RTI application.

Having gone through the RTI application and hearing both the parties, the following was concluded:

Point-1	As per the appellant, the PIO has supplied information of 2 complaints only regarding point-1. As per the respondent, there is no further information in the record.	The PIO to give in writing on an affidavit that the information that has been provided, is true, and complete and no other information is available in record relating to this point.
Point-2	As per the respondent, the appellant has not specified the information.	During the hearing on 04.10.2021, the appellant had clarified the information to Sh.SanjeevKumar,DSP and Sh.Sanjeev Kumar had assured to provide the information. The PIO to provide information. If the information does not exist, to give in writing on an affidavit.
Point-3	As per the respondent, the information of 254 pages has already been provided to the appellant. As per the appellant, the information is incomplete.	The PIO to bring the record to the Commission on the next date of hearing at Chandigarh.
Point-4		Rejected on grounds of not being information as defined in section 2(f) of the RTI Act.

Hearing dated 30.06.2022:

As per the respondent, an affidavit in compliance with the order of the Commission regarding the information relating to point-1 has been provided to the appellant. Regarding point-2, the respondent has mentioned in the affidavit that the information is not specific since the appellant has not given the reference of complaint number, police station etc. Regarding point-3, the respondent has brought the record in the Commission.

During the hearing on 04.10.2021, the appellant clarified the information and the respondent (Sh.Sanjeev Kumar, DSP) had assured to provide the information. However, the appellant is directed to again specify the information to the respondent and since the respondent has brought the record, the respondent is directed to provide information relating to point-2 immediately.

Having gone through the record relating to point-3 brought by the respondent, the Commission observes that the appellant has asked for an enquiry report on his own complaint and since the enquiry has already been conducted and completed by the SP(HQ), the PIO is directed to provide a copy of enquiry report to the appellant duly attested by the PIO.

With the above observation and order, the case is **disposed of and closed**.

Chandigarh
Dated: 30.06.2022

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh. Lajpat Rai, S/o Sh.HarbasLal,
H No-B-3/287, Romana Street,
Jaito, Distt.Faridkot.

... Complainant

Versus

Public Information Officer,
O/o EO, MC,
Jaito, District Faridkot

...Respondent

Complaint Case No. 635 of 2020

PRESENT: Sh.Lajpat Rai as the Complainant
Sh.Gurdas Singh PIO for the Respondent

ORDER:

The complainant through RTI application dated 03.06.2020 has sought information on 14 points regarding Ajay Singh, clerk-resolution No.383-13.02.2018- Davinder Kumar, Ramesh Kumar relating to a wrong statement - and other information as enumerated in the RTI application concerning the office of EO-MC Jaito, District Faridkot. The complainant was not provided with the information after which the complainant filed a complaint in the Commission on 09.09.2020.

The case last came up for hearing on 31.05.2021. The appellant claimed that the PIO has not provided the information. The respondent was absent.

The RTI application of the complainant was not legible. The appellant was directed to send a legible typed copy of the RTI application for me to pursue this case further.

On the date of the hearing on **21.09.2021**, the appellant sent a legible copy of the RTI application which was taken on the file of the Commission.

The respondent was absent and the order dated 31.05.2021 sent to the PIO had been returned on 02.07.2021 with the remarks of the postal authority "Refused due to strike".

The PIO was directed to appear personally before the Commission on the next date of hearing alongwith the reasons for not attending to the RTI application as well as refusing to take notice of the Commission.

A copy of the order was sent to the Deputy Commissioner, Faridkot with the direction to ensure that the notice of the Commission is served to the PIO and the PIO appears before the Commission on the next date of hearing.

On the date of the hearing on **24.01.2022**, the appellant claimed that the PIO has supplied the information.

The respondent was absent. The case was adjourned.

The case last came up for hearing on **31.05.2022** through video conferencing at DAC Faridkot. The case was adjourned.

Hearing dated 30.06.2022:

The appellant claims that the PIO has not supplied the complete information.

Since this is a complainant case and the complainant has come to the Commission under the provision of Section 18 of the RTI Act, 2005 in which no directions for providing further information can be given by the Commission.

The Hon'ble Supreme Court of India in its Order dated 12.12.2011 in Civil Appeal Nos.10787-10788 of 2011 (arising out of SLP No.32768-32769/2010) has held that while entertaining a complaint under Section 18 of the RTI Act, 2005, the Commissioners have no jurisdiction to pass an order providing for an access to the information.

Since there is an alternative and efficacious remedy of first appeal available to the complainant under section 19(1) of the RTI Act, 2005 which has not been availed in the instant case and the First Appellate Authority has not had the occasion to review the decision of the PIO, as envisaged under the RTI Act by passing a detailed well reasoned speaking order.

If, however, the complainant does not feel satisfied with the decision of the First Appellate Authority, he/she will be at liberty to file a Second Appeal before the Commission under Section 19(3) of the RTI Act.,2005.

In view of the observations noted above, the instant case is remanded back to the concerned First Appellate Authority-ADC(UD) Faridkot with a copy of RTI application for their ready reference and is also directed to call the complainant within 15 days of the receipt of the order, provide the information/reply pertaining to this RTI application. A compliance report of the same be sent to the Commission.

With the above observation and order, the case is **disposed of and closed**.

**Chandigarh
Dated :30.06.2022**

**Sd/-
(Khushwant Singh)
State Information Commissioner**

CC to: 1. Deputy Commissioner, Faridkot.

**2. Addl Deputy Commissioner,
Urban Development,
Faridkot.**



Sh. Lajpat Rai, S/o Sh.HarbasLal,
H No-B-3/287, Romana Street,
Jaito, Distt.Faridkot.

... Complainant

Versus

Public Information Officer,
O/o EO, MC,
Jaito, District Faridkot

...Respondent

Complaint Case No. 636 of 2020

PRESENT: Sh.Lajpat Rai as the Complainant
Sh.Gurdas Singh-PIO for the Respondent

ORDER:

The complainant through the RTI application dated 27.07.2020 has sought information on 10 points regarding Ramesh Kumar, Prem Kumar, Kaushal – a copy of letter No.7/20 – letter No.26/95 dated 26.10.2018 and other information as enumerated in the RTI application concerning the office of EO-MC Jaito, District Faridkot. The complainant was not provided with the information after which the complainant filed a complaint in the Commission on 09.09.2020.

The case first came up for hearing on 31.05.2021. The appellant claimed that the PIO has not provided the information.

The respondent was absent.

The RTI application of the complainant was not legible. The appellant was directed to send a legible typed copy of the RTI application for me to pursue this case further.

On the date of the hearing on **21.09.2021**, the appellant sent a legible copy of the RTI application which was taken on the file of the Commission.

The respondent was absent and the order dated 31.05.2021 sent to the PIO had been returned on 02.07.2021 with the remarks of the postal authority "Refused due to strike". The PIO however vide email informed that the appellant was asked to vide letter dated 16.06.2020 to deposit a fee of Rs.5400/- which the appellant did not deposit and the information was not provided.

As per the appellant, the PIO did not mention the detail of the total number of pages in the letter while raising the fee which is a violation of the RTI Act.

Having gone through the file, the appellant's plea was found correct that the PIO had arbitrarily raised the fee without giving the details of the number of pages. Moreover, there has been an enormous delay in providing the information for which the PIO was issued a **show cause notice under Section 20 of the RTI Act 2005 for the arbitrary raising of fees, for constant non-appearance before the Commission as well as non supplying of the information within the statutorily prescribed time as prescribed under section 7 of the RTI Act and directed to file reply on an affidavit.**

Complaint Case No. 636 of 2020

On the date of the hearing on 24.01.2022, the appellant claimed that the PIO has supplied the information.

The respondent was absent nor had filed any 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 take the decision ex-parte.

On the date of last hearing on **31.05.2022**, the respondent brought the information.

However, the PIO had not filed a reply to the show cause notice.

Since the responsibility to ensure the timely transmission of the information to the appellant lies on the PIO, the PIO Sh.Gurdas Singh 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.

Further, the Commission was of the view that since the complainant had to suffer undue inconvenience to get the information, the PIO- EO-NC Jaito was directed to pay an amount of **Rs.5000/-** via demand draft through Govt. Treasury as compensation to the appellant and submit proof of having compensated the appellant.

Hearing dated 30.06.2022:

The respondent present informed that the compensation amount of Rs.5000/- has been paid to the appellant by DD No.045531 dated 23.06.2022.

The complainant has received the compensation amount.

Since it is a complaint case and the compensation has been paid to the complainant, no further course of action is required.

The case is **disposed of and closed**.

Chandigarh
Dated :30.06.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to: Addl Deputy Commissioner,
Urban Development,
Faridkot.



Sh. Lajpat Rai, S/o Sh.HarbasLal,
H No-B-3/287, Romana Street,
Jaito, Distt.Faridkot.

... Complainant

Versus

Public Information Officer,
O/o EO, MC,
Jaito, District Faridkot..

...Respondent

Complaint Case No. 634 of 2020

PRESENT: Sh.Lajpat Rai as the Complainant
Sh.Gurdas Singh, PIO and Sh.Balwinder Singh Bhunter (Earlier PIO-NC
Jaito) for the Respondent

ORDER:

The complainant, through RTI application dated 03.06.2020 has sought information regarding action taken against Ramesh Kumar, Prem Kumar, Davinder Kumar & others after receipt of the vigilance enquiry report in vigilance case No.29/18 relating to misplacement of record and enquiry report on DDLG letter No.3714 dated 01.08.2019 – copies of enquiry report on the complaints received by the officers against clerk Davinder Kumar in Jan., Feb, March, May & June – copies of receipt books No.1082(55 to 60), 142(20-30), 144(50-60) etc. and other information as enumerated in the RTI application concerning the office of EO-MC Jaito, District Faridkot. The complainant was not provided with the information, after which the complainant filed a complaint in the Commission on 09.09.2020.

The case first came up for hearing on 31.05.2021 through video conferencing at DAC Faridkot. The appellant claimed that the PIO has not provided the information.

The respondent was absent.

The RTI application of the complainant was not legible. The appellant was directed to send a legible typed copy of the RTI application for me to pursue this case further.

On the date of the hearing on **21.09.2021**, the appellant sent a legible copy of the RTI application which was taken on the file of the Commission.

That the respondent was absent and the order dated 31.05.2021 sent to the PIO had been returned on 02.07.2021 with the remarks of postal authority "Refused due to strike". The PIO however vide email informed that the appellant was asked to vide letter dated 16.06.2020 to deposit a fee of Rs.1700/- which the appellant did not deposit and the information was not provided.

As per the appellant, the PIO did not mention the detail of the total number of pages in the letter while raising the fee which is a violation of the rules which prescribe how to raise the fee.

Having gone through the file, the appellant's plea was found correct that the PIO had arbitrarily raised the fee without giving the details of the number of pages. Moreover, there has been an enormous delay in providing the information. The PIO was issued a **show cause notice under Section 20 of the RTI Act 2005 for the arbitrary raising of fees, for constant non-appearance as well as non supplying of the information within time as prescribed under section 7 of the RTI Act.** and directed to file a reply on an affidavit.

On the date of the hearing on **24.01.2022**, the appellant claimed that the PIO has not supplied the information.

The respondent was absent nor had filed a reply to the show cause as well as not complied with the order of the Commission to provide the information, hence it was presumed the PIO has nothing to say on the matter nor is interested in executing the order of the commission to provide the information.

As per information from the office of NC-Jaito, Sh.Balwinder Singh Bhunter was the PIO-NC Jaito when the RTI application was filed (from 03.06.2020 till 31.07.2020), now posted in the office of ADC(UD) Barnala and Sh.Gurdas Singh-EO-NC Jaito has been the PIO-NC Jaito from 03.08.2020 till 10.05.2021(full charge) and from 11.05.2021 till date(addl. Charge).

In this case, the Commission concluded that there are two PIOs involved in causing the delay in providing the information.

- a) Sh.Balwinder Singh Bhunter was the PIO when the RTI application was filed(03.06.2020 to 31.07.2020) who did not supply the information within 30 days and violated section 7(2) of the RTI Act. Sh.Balwinder Singh(earlier PIO-NC Jaito) is hereby **show caused why penalty be not imposed on him under section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time. He/she should file an affidavit in this regard.** If there are other persons responsible for the delay in providing the information, the PIO is directed to inform such person(s) of the show cause and direct them to appear before the Commission along with the written replies.
- b) Sh.GurdasSingh has been the PIO for the maximum period (from 03.08.2020 to till date) and constantly violating the order of the Commission to provide the information as well as not responding to the show cause notice issued to him on 21.09.2021. It appears that Sh.Gurdas Singh has nothing to say on the matter.

From the facts, it was clear that Sh.Gurdas Singh-EO-cum-PIO, NC Jaito had violated Section 7(3)(a) of the RTI Act and was responsible for the delay and not providing the information to the complainant, and continuous non-appearance at the hearings, a penalty of **Rs.15,000/-** was imposed on Sh.Gurdas Singh-EO-cum-PIO, NC Jaito and directed to duly inform the Commission about the compliance of the orders by producing a copy of the challan as evidence of depositing the penalty in the Govt Treasury.

A copy of the order was sent to the ADC(UD), Faridkot with the direction to ensure compliance of the order by the PIO.

On the date of last hearing on **31.05.2022**, the respondent present informed that the penalty of Rs.15000/-has been deposited in the Govt Treasury vide receipt No.2385896 dated 26.05.2022 and a copy of the challan was sent to the Commission through email.

Since it is a complaint case and the order of the Commission to deposit the penalty had been complied with, no further interference of the commission was required on the matter of information.

However, Sh.Balwinder Singh Bhunter who was issued a show cause notice (since he was the PIO when the RTI was filed) for not attending to the RTI application, had not filed a reply to the show cause notice nor was present. Sh.Balwinder Singh Bhunter, ADC(UD) Barnala (Earlier PIO-NC Jaito) was given one last opportunity to appear personally on the next date of hearing alongwith the reply to the show cause notice otherwise it will be presumed that the PIO has nothing to say on the matter and the Commission will take penal action against the PIO under section 20 of the RTI Act.

Hearing dated 30.06.2022:

Sh.Gurdas Singh, PIO and Sh.Balwinder Singh Bhunter (Earlier PIO-NC Jaito) are present. Sh.Bhunter Singh has submitted his reply which has been taken on record. In the reply, Sh.Bhunter Singh has mentioned that since the RTI application was filed on 03.06.2020, however, he was not the PIO at that time but was given an additional charge of MC on 10.06.2020 and that he remained posted at Jaito only from 10.06.2020 to 31.07.2020. The respondent has further pleaded that notices served by the Commission were not communicated by the staff of MC Jaito, hence could not appear.

Having gone through the reply, I accept the plea of the respondent and drop the show cause.

Since the matter relating to the information stands reconciled and the penalty has already been deposited by the PIO, no further interference of the Commission is required.

The case is **disposed of and closed**.

Chandigarh
Dated :30.06.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to :1. Sh.Balwinder Singh Bhunter,
O/o ADC(UD), Barnala.

2. Addl Deputy Commissioner,
Urban Development,
Faridkot.



Sh Madan Lal. S/o Sh Om Prakash,
Jain Niwas, MCB Zone-2, H No-10803,
Street no-18, Parinda Road-18,
Guru Teg Bahadur Nagar, Bathinda.

... Appellant

Versus

Public Information Officer,
O/o EO, Nagar Council,
Jaitho, Distt. Faridkot.

First Appellate Authority,
O/o Deputy Director,
Local Bodies, Ferozepur.

...Respondent

Appeal Case No. 1638 of 2020

PRESENT: Sh.Lajpat Rai for the Appellant
Sh.Gurdas Singh PIO for the Respondent

ORDER:

The appellant, through an RTI application dated 28.12.2019 has sought information regarding a copy of correspondent done relating to promotion of Ramesh Kumar, Prem Kumar, Kewal Sharma from 07.04.2017 till date – case file of case no.21/2011 against Kewal Sharma copy of audit report of Finance department, Central Audit department from 04/2005 to 03/2007, 11.08.2010 to 07.10.2010 & 04/2007 to 03.2010 - action taken report against an employee for missing record relating to book No.120 – computerised CD for deposit of property tax – case file of FIR No.29/18 & 80/30/5/19 against Davinder Kumar clerk and other information concerning the office of EO, NC Jaitho. The appellant was not provided with the information, after which the appellant filed first appeal before the first appellate authority on 20.02.2020, which did not decide on the appeal.

The case first came up for hearing on 02.11.2020 through video conferencing at DAC Faridkot. The appellant claimed that the PIO had not provided the information. The respondent was absent.

Having gone through the RTI application, the Commission observed that the information that had been asked for by the appellant appeared to be the service record of employees Sh. Ramesh Kumar, Sh. Prem Kumar and Sh. Kewal Sharma as well as very voluminous information. The Commission advised the appellant to revise his RTI application and seek that information, which is not personal, not voluminous and does not divert the resources of the public authority.

During the course of the hearing, it came to the notice that two appellants Sh. Madan Lal and Sh. Chander Shekhar, had filed similar appeal cases (No.1638/2020 & 1697/2020) for seeking exactly the same information. The Commission did not allow the appellants to pursue such malpractices especially if said matter comes to the notice that the RTI applications are being fixed amongst various applicants, as during the hearing, it came to notice that both appellants are closely associated with each other.

The same matter was brought to the notice of the appellant who then requested that the cases be clubbed. In the interest of justice, both the cases were clubbed and the EO, NC Jaitho was directed to provide only one set of information to Sh. Madan Lal by raising requisite fee as per provisions of RTI Act. Since the appellant had also been advised to submit a revised RTI application, the fee is raised once the appellant submits the revised RTI application and information be provided after a deposit of the requisite fee.

Appeal Case No. 1638 of 2020

The Commission also warned both the appellants not to repeat this practice of fixing RTI applications; otherwise, the Commission will be constrained to reject such applications in the future.

On the date of the hearing on **04.01.2021**, as per the earlier order of the Commission, the appellant had revised the RTI application. However, due to a network problem the hearing could not be completed.

On the date of hearing on **16.08.2021**, the respondent present pleaded that since the information as sought by the appellant is personal information, it cannot be provided and the appellant has already been sent a reply again on 19.03.2021.

The appellant pleaded that he has already sent a revised RTI application but the PIO has not supplied the information.

Having gone through the RTI application, the PIO was directed to provide:-

- | | |
|---------|---|
| Point-1 | To only provide a certified copy of rules in connection with the promotion of peons The rest of the information sought in point 1 is personal information and not to be provided. |
| Point-2 | To provide the audit report |
| Point-3 | To provide the information as available on record. Otherwise, reply appropriately |
| Point-4 | Not to be provided |
| Point-5 | To provide if available on record. Otherwise, reply appropriately. |

On the date of the hearing on **24.01.2022**, the appellant informed that the PIO has not supplied the information.

The respondent was absent nor had complied with the order of the Commission to provide the information. 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**. The PIO was again directed to provide information to the appellant within ten days of the receipt of the order.

On the date of last hearing on **31.05.2022**, the representative of the appellant informed that the PIO has not supplied the information.

The PIO also did not file a reply to the show cause notice.

Hence, given the above facts a penalty of **Rs.5,000/-** was imposed on the Sh.Gurdas Singh, PIO-NC Jaito with the direction to duly inform the Commission about the compliance of the orders by producing a copy of the challan as evidence of depositing the penalty in the Govt Treasury. The PIO was also directed to provide information to the appellant as decided at the hearing on 16.08.2021.

Hearing dated 30.06.2022:

Sh.Gurdas Singh, PIO, is present who informed that the penalty amount of Rs.5000/- has been deposited in the Govt Treasury, and a copy of the challan has been sent to the Commission through email. The Commission has received a copy of the challan which has been taken on record.

Since the penalty has been deposited, no further interference of the Commission is required on the matter of the information.

Appeal Case No. 1638 of 2020

However, it has been brought to the notice of the Commission by the representative who appeared on behalf of the appellant that on a request filed by the appellant to the ADC(UD) on 02.09.2021, the ADC(UD) had ordered the implementation of the case vide letter dated 20.09.2021 from the EO-NC Jaito, whereas, the EO-NC Jaito in his reply to the ADC(UD) had stated that the case has been closed.

I am enclosing a copy of the documents presented by the representative of the appellant for consideration and appropriate and suitable action.

With the above observation and order, the case is **disposed of and closed**.

Chandigarh
Dated 30.06.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to :ADC(UD)
FARIDKOT