



By Registered Post

Smt Gurjeet Kaur,
W/o Shri Prabhdyal Singh,
R/o VPO Khamra, Jalandhar.
M: 9914552002

Appellant

Versus

Public Information Officer,
O/o Panchayat Secretary,
Gram Panchayat, Khamra,
Distt Jalandhar.

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

Respondents

Appeal Case No. 2815/2018

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	Date of Second Appeal/ Complaint
19.02.2018	Nil	27.04.2018	Nil	14.08.2018

Present: Appellant- Advocate Sh. Shiv Kumar, Counsel;
Respondents- None.

Order

The Commission had made following observations on couple of dates of hearing:-

11.05.2019

"The appellant had sought the certified copies of the documents relating to various resolutions passed, works having been executed by the Gram Panchayat and other connected information relating to the years 2013-18. Adv. Ravinder Kumar, Counsel for the appellant submits that they were desired to deposit a fee of Rs.9500/- as cost of information in response to which an irrelevant information comprising the bank statements in about 100 pages has been provided. The respondent Panchayat Secretary has failed to explain the demand of such a hefty amount and supply of the relevant information. It is a clear case of violation of the provision of RTI Act. Prima facie he has rendered himself liable for penal consequences.

Sh. Charanjit Singh, PIO – cum – Panchayat Secretary, Village Khamra, O/o BDPO, Jalandhar is issued a 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

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compensation be not awarded to the Complainant 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.

The case has come up today. The parties are adhering to the respective stands. They are again advised to sit together and sort it out before the next date of hearing”.

*Today, both the parties are absent. The matter shall be heard **on 26.06.2019 at 11.30 AM through Video Conference at Jalandhar.”***

26.06.2019

“The case has come up today.

The Commission is intrigued to find that despite the express orders, as reproduced above, the respondents have maintained a studied silence which suggests their disdain and defiance to the provisions of law. A hefty amount of Rs.9500/-, apparently, has been extracted from the appellant without providing him the information. The conduct of the BDPO is also questionable. The Commission cannot take the things lying down towards the contemptuous conduct of respondents. The BDPO (East), Jalandhar and Shri Charanjit Singh, Panchayat Secretary, are hereby directed to present themselves with the original record along with the certified copies of the documents constituting the information sought, with their explanation of delay and indifferent and defiant conduct. Be it noted that no further opportunity shall be afforded. They are already under Show Cause Notice.

*To come up on **30.07.2019 at 11.30 AM.** The appellant is at liberty to attend the hearing through V.C. Conference at Jalandhar.”*

The case has again come up today. The respondents are again absent. The



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original application was filed on 19.02.2018 and till date appropriate information has not been provided. The delay has been beyond 100 days. The Commission is inclined to believe that the PIO has refused to furnish the information malafidely in violation of sub section 1 of section 7 of the RTI Act.

Exercising its authority under section 20 (1) of the RTI Act, the Commission imposes a penalty of Rupees 25000/- (Rupees Twenty Five Thousand only) in lump sum on Sh. Charanjeet Singh, Panchayat Secretary, which shall be recovered from his salary in three equal installments commencing from the month of October, 2019. His Drawing & Disbursing Officer shall ensure that the amount of penalty is deducted from his salary and deposited in the government treasury under the head given below:

- 0070-Other Administrative Services- 60 Other Services
- 800 Other Receipts- 86 Fee under RTI Act, 2005

The aforesaid observations of the Commission would suggest that the conduct of PIO has been unbecoming of public servant and he has persistently not only delayed the information but also has defied the orders of the Commission. His disciplinary authority is directed to initiate disciplinary action by issuing a chargesheet to him under the Civil Service Rules and to send its copy to the Commission. The Commission further says that the BDPO, who is the head of the office, has also exhibited extreme negligence and dereliction to his duties by way of ignoring various directions of the court. The Commission desires the Director in Department of Rural Development and Panchayat to take notice of his

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conduct as well.

The BDPO is further directed to ensure that an amount of Rs. 9500/- deposited as a cost of information is refunded back to the appellant within 10 days of receipt of this order.

A lot of inconvenience has been posed to the appellant without any tangible result. A compensation to an extent of Rs. 2500/- (Rupees two thousand five hundred only), which is to be paid by the public authority, is awarded to the appellant. The respondents are again advised to provide the information, failing which the Commission shall be constrained to take the matter for the intentional loss of record from criminal angle.

To come up on **12.09.2019 at 11.30 AM.**

30.07.2019

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

**CC: The Director, Department of Rural Development and Panchayat, Sector-62, SAS Nagar,
for necessary action.**