

# **PUNJAB STATE INFORMATION COMMISSION**

**Red Cross Building, Near Rose Garden,**

**Madhya Marg, Sector 16, Chandigarh.**

**Ph: 0172-2864100-101, Fax 0172 2864110**

**Visit us @ [www.infocommpunjab.com](http://www.infocommpunjab.com), Email: [pcic20@punjabmail.gov.in](mailto:pcic20@punjabmail.gov.in)**



Sh. H.S. Hundal (98785-00082)

(Regd. Post)

Chamber No.82,

District Courts, SAS Nagar-160059

Appellant

Versus

Public Information Officer,

(Regd. Post)

O/o The Secretary,

Regional Transport Authority, Moga.

First Appellate Authority,

(Regd. Post)

O/o State Transport Commissioner,

Punjab, Sector-17, Chandigarh.

Smt. Anita Darshi (PCS),

(Regd. Post)

O/o Commissioner, Nagar Nigam, Moga.

Respondents

## **APPEAL CASE NO.31 OF 2017**

### **ORDER**

1. The present case was listed for hearing before this Full Bench of State Information Commission on 28.08.2019 and the matter was heard in the presence of parties and reserved the order.

2. That the appellant filed the present appeal related to his RTI application dated 10.08.2015 submitted before the PIO, office of Secretary, Regional Transport Authority, Moga. The information sought by the appellant is as under:

- “i) Certified copy of the information register in form ‘C’ maintained in respect of the records received as per Section 3(3) of RTI Rules showing the number of requests made to this Public Authority.*
- ii) Certified copies of all orders till date appointing/ designating APIOs and PIOs of this Public Authority and All orders till date appointing/ designating First Appellate Authorities for the purpose of RTI Act concerning these APIOs and PIOs.*
- iii) Certified copies of all bills/vouchers of payment made for the purchase/creation/manufacture of the Display Boards showing the names, particulars and designations/offices of the PIOs, APIOs and First Appellate Authorities of this office till date and specify the place where display boards are installed, carrying all this information.*

- iv) *The amount of charges collected by this public authority under this Act and the amount of fee collected under this rule, as maintained in the Cash register as specified in Form 'F' as per rule 4(6) and the details as to in which head this was deposited;*
- v) *Certified copy of the cash register as specified in form 'F' as per rule 4(6) RTI Rules.*
- vi) *Certified copies of all Annual Reports under Section 25 of the RTI Act, 2005 as submitted by this Public Authority to Administrative Department.*
- vii) *Certified copy of register of Performa A for maintaining detailed of 1<sup>st</sup> appeals filed before this 1<sup>st</sup> Appellate Authority.*
- viii) *Certified copies of documents showing the Monthly Abstract in Performa A.*
- ix) *Certified copies of all receipts issued by this office in Form 'B'.*

*x) Certified copies of all notifications/directions/ orders received by this office from the Government in respect of the administration of this Act.”*

3. The appellant Sh. H.S. Hundal has submitted and brought to the notice of the bench that a penalty order dated 12.10.2017 was sent by the Commission to Ms. Anita Darshi, then DTO through registered post vide Dispatch No.43985 and she cannot deny to the same. At the same time, respondent has also brought to the notice of the Commission another order dated 12.10.2017 passed by the Commission wherein she has been exonerated and case has been closed and disposed of.
4. The main issue at this stage is that two different orders of even date i.e. 12.10.2017 passed by Sh. Alwinder Pal Pakhoke, Ld. State Information Commissioner were dispatched in the same appeal case. In one order penalty amounting to Rs.25,000/- imposed upon Ms. Anita Darshi, the then DTO passed by the Commission while holding her guilty for not providing the information within time and negligent in signing the old letter dated 17.08.2015 whereas she has assumed the charge on 01.10.2015. Second order on the same day passed by the Ld. Commissioner was produced by Ms.

Anita Darshi with her reply dated 02.04.2018 wherein the show cause notice issued to her was withdrawn and case was closed after having been satisfied from the reply filed by the respondent.

5. In view of the two contradictory orders passed by the same Bench on 12.10.2017 in same case and being complicated matter, a special bench was constituted to deal with the case which heard the case on 16.07.2019 and sent the file to the Deputy Registrar of the Commission to place it before the Chief Information Commissioner to constitute a full bench to hear and decide the issue due to existence of patent error while passing two orders.
6. Thereafter, the present appeal was fixed for hearing before this Full Bench on 28.08.2019 and the matter was reserved on the same day after hearing the parties.
7. The respondent Ms. Anita Darshi has submitted that RTI Application of Sh. H.S. Hundal filed on 10.08.2015 whereas she assumed the charge of DTO, Moga on 01.10.2015. She has clarified that the information was provided to Sh. H.S. Hundal on 14.10.2015 whereas the Dealing Clerk put the date as 17.08.2015 on the letter by mistake. She has further

brought to the notice of the Commission that the issue of her signature on the letter dated 17.08.2015 was also examined by the Personnel Department and the same has been closed and filed in view of the explanation submitted by her in the reply to the Personnel Department.

8. From the circumstances explained above, it becomes clear that Ms. Anita Darshi supplied available information regarding the application within the time period from the date of assuming charge of the post of DTO, Moga. Therefore, it was not logical to impose penalty upon her for the alleged delay in providing the information. However, the appellant has further raised the issue that signature of Anita Darshi on letter dated 17.08.2015 is forged and fake.
9. We are of the considered view that the issue relating to the issuance of two contradictory orders of the same date in the same case is a matter of serious concern which requires an internal inquiry to be conducted on the administrative side by the Secretary to the Commission enabling to prevent the repeat of such situation in future.
10. We are also of the considered view that since as per the record, the respondent Ms. Anita Darshi, supplied the

available information within time and has explained about the signatures made by her on letter dated 17.08.2015 when she was discharging the responsibility of PIO. As such, there is no reason to impose any penalty upon her.

11. In view of the facts and circumstances mentioned above, the obligation to provide the information under RTI Act has been willfully discharged by the respondents and provided the information within time, the instant appeal is disposed and closed.

Announced in open court.

Copy of the order be sent to the parties.

Dated; 30.09.2019

Sd/-	Sd/-	Sd/-
(Suresh Arora)	(N. S. Brar)	(P.K. Singla)
CIC	SIC	SIC

Sd/-	Sd/-
(Hem Inder Singh)	(A.S. Kaler)
SIC	SIC