



By Registered Post

Sh. Gurmej Singh,
S/o Sh. Atma Singh,
R/o Pir Mohammad,
Tehsil-Zira, Distt. Ferozepur.

Appellant

Versus

Public Information Officer,
O/o Block Development and Panchayat Officer,
Makhu, Ferozepur.

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

Respondents

Appeal Case No.1211/2019

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
24.12.2018	Nil	28.01.2019	Nil	07.03.2019

Present: Appellant- Shri Gurmej Singh.
Respondents- None.

ORDER:

The following order was passed on 10.10.2019:-

28.05.2019

"The appellant, vide his original application dated 24.12.2018, has sought to know the information about the details of nominations made for the election of Sarpanch and Panches of Gram Panchayat of Village Peer Mohammad, Block Makhu, District Ferozepur and the documents relating to the acceptance or rejection of their nomination papers. Having failed to find response even after filing first appeal with the DDPO, the appellant has been constrained to file 2nd appeal with the Commission.

The Commission has received a memo from BDPO Makhu to the address of SDM Zira to respond to the Commission's notice. The Commission is not inclined to approve the conduct of the BDPO who, apparently, has violated the provisions of RTI Act. The DDPO surprisingly has also failed to discharge his duty as First Appellate Authority which the Commission decries vehemently. In case the information is not available with him, the BDPO should have transferred the application to the concerned authority under Section 6(3) of RTI Act. Having failed to do so, he has made himself liable for penal action under Section 20(3) of the RTI Act.

The BDPO Makhu, District Ferozepur 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,



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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.”

23.07.2019

“Shri Karamjeet Singh, Panchayat Secretary, O/o BDPO Makhu is present along with Sh.Sukhchain Singh, SDO, Talwandi Bhai, who was Returning Officer during Panchayat elections. The respondent says that the record, after the election, was deposited with the BDPO Zira. The normal course for them was to transfer the application to BDPO Zira u/s 6(3) of the RTI Act. Nonetheless, the Commission on the information of respondents directs the BDPO Zira to look into the application which stands transferred to him. He shall immediately look into it and take appropriate action to impart the information to the appellant. Since the Returning Officer is not in the custody of record, he is exempted from further appearance.

05.09.2019

The case has again come up today. Sh. Gurmej Singh is present. None is present on behalf of the respondents. It transpires that the date of hearing in the aforesaid order was inadvertently mentioned as 15.09.2019, whereas in the open court it was announced to be heard on 05.09.2019.

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Meanwhile, the BDPO, Zira, is directed to ensure that the sought for information is provided to the information seeker. In event of his failure, the show cause notice issued to BDPO, Makhu, shall be deemed to be directed to him for imposition of penalty.

10.10.2019

The matter has been taken up today. Sh. Gurmej Singh is present. None is present on behalf of the respondents. A final opportunity is afforded to BDPO Zira to explain his conduct. Be it noted that a show cause notice earlier issued has already been directed against him and no further opportunity shall be afforded.”

The case has again been taken up today. The respondents are absent on consecutive hearings, even in the face of the fact that a show cause notice for imposition of penalty is issued. The BDPO, Zira, has shown a scant regard to the directions passed by the Commission as reproduced above. The Commission is not left with any alternative, but to penalize him.

Exercising its authority under section 20 (1) of the RTI Act, the Commission imposes a penalty of Rs. 15,000/- (Rupees Fifteen Thousand only) in lump sum on the PIO, O/o BDPO, Zira, to be recovered from the salary in three equal installments from the month of January, 2020 onwards by (The delay being beyond 100 days). The DDO shall deposit it in the Govt. treasury under the head: - **0070-Other Administrative Services- 60 Other Services- 800 Other Receipts- 86 Fee under RTI Act, 2005.** A copy of the challan shall be sent to the Commission for record immediately.



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By the callous conduct of the PIO, the appellant has been put to a lot of harassment. A compensation to an extent of Rs. 4000/- (Rupees Four Thousand only) is awarded to the appellant for the detriment suffered by him in terms of Section 19(8) (b) of the Act. It shall be paid by the public authority from its account by way of demand draft in favor of the appellant within a month of the receipt of the order positively.

The next date of hearing shall be intimated in due course.

31.10.2019

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