

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,

Madhya Marg, Sector 16, Chandigarh.

Ph: 0172-2864111, Visit us @ www.infocommpunjab.com,

Email: psic21@punjabmail.gov.in



FINAL ORDER

Sukhchain Singh,

s/o Ajit Singh,

Sonam Mohalla, Ward No. 11,

Fatehgarh Churian,

Tehsil Batala, District Gurdaspur.

Versus

Public Information Officer,

o/o Personal Department,

(PCS Branch), Civil Secretariat,

Punjab, Chandigarh.

First Appellate Authority,

o/o Chief Secretary, Government of Punjab,

Personal Department, Civil Secretariat,

Punjab, Chandigarh.

Appeal Case No. 3631 of 2019 (Video Conference Proceedings)

Present:

(Appellant) Absent

Manoj Garg, Senior Assistant, PCS Branch (for the Respondent) 94643-51751

ORDER:

(To be read in continuity with earlier orders on 9.1.2020, 20.2.2020, 24.7.2020, 25.9.2020, 13.11.2020, and 13.1.2021)

1. The RTI application is dated **20.5.17** vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (FAA) on **19.7.17** and second appeal was filed in the Commission on **26.9.19** under Section 19 of the Right to Information Act, 2005. This appeal case was last heard on **13.1.2021**.

2. This case was first heard by the Hon'ble Chief Information Commissioner Sh. **Suresh Arora** on 24.10.2019, whereon it was transferred to the Registry Branch of the Punjab State Information Commission, for re-allocation to some other Bench.

3. The case was allocated to this Bench vide PSIC/Legal/2019/633 on 7.11.2019. A fresh Notice for Hearing was issued for 9.1.2020, whereon the respondent PIO, represented by **Manoj Garg**, Senior Assistant, stated that a reply was sent to the appellant on 24.7.2017 (some two months after the RTI application was received) wherein he was informed that the matter pertaining to his RTI application was "under investigation" and that the requested information could not be furnished. It was however, pointed out during the hearing that the aforesaid reply was sent more than two years ago, in 2017. It was also noted that the PIO had not bothered to determine the current status of the said investigation despite receiving this Commission's Notices of 9.10.2019 and 27.11.2019. The respondent PIO was directed to produce the original record pertaining to this RTI request at the next hearing of this Appeal Case.

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Once again appearing on behalf of the respondent PIO, **Manoj Garg**, Senior Assistant, as directed, brought the above-mentioned original record to the hearing on 20.2.2020. Following arguments by both sides, the Commission was of the view that the requested that the requested information constitutes public record that is not exempted from disclosure as per the RTI Act, 2005. This was particularly stated to be the case as the information pertained to an investigation into allegations of corruption, which has been completed and consigned to the records (as per the respondent). In view of this, the respondent PIO was directed to furnish duly attested copies of all the record, pertaining to the RTI application to the appellant **Sukhchain Singh**. This was to be complied with before the next hearing on 23.4.2020, under intimation to the Commission.

5. The Hearing on 23.4.2020 was postponed consequent to the curfew/lockdown ordered in the wake of the Covid 19 Pandemic. A fresh Hearing was notified for 24.7.2020.

6. At the Hearing on 24.7.2020, held via videoconferencing, both parties were absent. The respondent PIO, who was directed to supply the requested record to the appellant before 23.4.2020, failed to comply. The appellant informed the Commission vide his email of 24.7.2020 that he had not received any information from the respondent. Nonetheless, in view of the continuing Covid-related restrictions, the Commission extended yet another opportunity to the respondent PIO.

7. Both parties were absent at the next Hearing on 25.9.2020. The respondent PIO had still not supplied the requested information, as directed by the Commission on 20.2.2020.

8. At the next Hearing held on 13.11.2020, respondent PIO not only remained absent for the third successive time, but he had still not supplied the requested information. Taking a serious view of the respondent PIO's conduct in continuing to deny the requested information despite successive Orders, he/she was served with a Show Cause Notice as per Section 20(1) of the RTI Act, 2005, whereby he was granted an opportunity to be heard in person at the next hearing on 13.1.2021.

9. At the Hearing on 13.1.2021, the respondent PIO, represented by **Manoj Garg**, Senior Assistant, once again brought the original record pertaining to the RTI application. He was directed to make two legible copies of the entire record and duly attest page before supplying one copy to the appellant. The second copy was to be submitted to this Bench. Also, in view of the harassment and detriment caused to the appellant **Sukhchain Singh**, the Commission awarded him Compensation of Rs. 15,000.00 to be paid by the public authority, in this instance, The Personnel Department (PCS Branch), Civil Secretariat Punjab, Chandigarh. This was to be complied with within 15 days of receiving the Order.

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10. This Appeal Case was heard today. The respondent PIO, represented by **Manoj Garg**, Senior Assistant, stated that the requested information was finally supplied to the appellant vide Memo No. 5/33/2017– 3PCS/80 dated 13.1.2021. A copy of the same was also received and diarized in the Commission at No. 1140 dated 15.1.2021. The respondent PIO has however failed to comply with this Commission's direction to pay the appellant **Sukhchain Singh** a compensation of Rs. 15,000.00 within 15 days of receiving the Commission's Order of 13.1.2021.

11. The respondent PIO is directed herewith, to submit in writing, a list of PIO's in the department since 20.5.2017 along with their names, tenure as PIO and present posting. The respondent PIO is also directed to submit in writing, the date on which Vigilance Bureau Report, supplied by way of information to this RTI application, was received in the department of Personal Department (PCS Branch), Civil Secretariat, Punjab, Chandigarh and the date on which it was consigned to the record. The above must be submitted to this Commission within Ten days from the date this Order is received.

12. A Final Order in this Appeal Case will be issued after the information sought in Paragraph 11 is submitted by the respondent PIO.

Sd/-
(ASIT JOLLY)
State Information Commissioner, Punjab.

Chandigarh
8.7.2021