

PUNJAB STATE INFORMATION COMMISSION

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Sh. H.S. Hundal, Advocate
Chamber No. 82, District Courts,
Sector 76, SAS Nagar (Mohali).

....Appellant

Versus

Public Information Officer,
O/O Deputy Commissioner,
Moga.

Public Information Officer,
O/O Tehsildar, Moga.

...Respondents.

First Appellate Authority,
Deputy Commissioner, Moga.

APPEAL CASE NO. 2000 of 2016

Present: None on behalf of appellant.
Shri Pawan Kumar, Tehsildar, Moga now at Dharmkot.

ORDER:

As per directions issued on the last date of hearing on 27-09-2018, Shri Pawan Kumar, the then PIO-cum-Tehsildar, Moga now as Tehsildar, Dharmkot is present in the court. He states that he remained as Tehsildar-cum-PIO, Moga from 07-06-2016 to 24-05-2017. On 24-05-2017 he received his transfer orders and he relinquished the charge on 25-05-2017. He pleads that the sought for information has already been provided to the appellant on 04-09-2017. He requests the court to waive off the penalty amounting to Rs. 25,000/- imposed upon him by the then State Information Commissioner, Shri Alwinderpal Singh Pakhoke.

2. After hearing the respondent-PIO, the record available in the case file is perused. The appellant, Shri H.S.Hundal, filed an RTI application dated 28-03-2018 with the PIO of office of Deputy Commissioner, Moga seeking information on ten points. Getting no response from the respondent-PIO as well as from the first appellate authority, the appellant filed a second appeal dated 06-06-2016 with the Commission. Accordingly, the notice of hearing for 12-10-2016 was issued by the bench of Shri Alwinderpal Singh Pakhoke, the then State Information Commissioner.

3. On 12-10-2016, both the parties were present. The representative of respondents assured the court that the sought for information will be provided to the appellant before the next date of hearing, the case was adjourned.

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4. On 15-12-2016, the appellant again shown his dissatisfaction by saying that the provided information is still incomplete. The representative of respondents stated in the court that the complete information can be provided by the PIO of office of Tehsildar, Moga and accordingly, the PIO of Tehsildar, Moga was impleaded as deemed-PIO and the case was adjourned.

5. On 27-04-2017, none appeared on behalf of Tehsildar, Moga. The PIO of office of Tehsildar, Moga was directed to provide the complete information to the appellant before the next date of hearing and to be present, in person, in the court. On 24-05-2017, Shri Pawan Kumar, Tehsildar-cum-PIO, Moga neither appeared in the court nor he supplied the information to the appellant. Therefore, taking the adamant attitude of the PIO in view, a show cause notice under Section 20(1) of the RTI Act, 2005 was issued to Shri Pawan Kumar, Tehsildar for the imposition of penalty @ of Rs. 250/- per day subject to maximum of Rs. 25,000/-. He was also afforded an opportunity to explain the reasons for delay in supplying the information in person on the next date of hearing and the case was adjourned to 02-08-2017.

6. On 02-08-2017, Shri Pawan Kumar, Tehsildar did not attend the court and nor he submitted his written explanation detailing the reasons for delay. However, vide letter dated 29-06-2017 he informed the court that he has been transferred from Moga and has relinquished the charge of Tehsildar Moga on 25-05-2017 and further requested the court that the show cause notice issued to him may be issued in the name of present Tehsildar, Moga.

7. Therefore in view of the attitude of the respondent-PIO, a penalty amounting to Rs. 25,000/- was imposed upon Shri Pawan Kumar, the then Tehsildar-cum-PIO, Moga and the Sub Divisional Magistrate, Moga was asked to realize the amount of penalty from the pay of Shri Pawan Kumar, the then PIO-cum-Tehsildar, Moga.

8. On the next date of hearing on 05-09-2017, the representative of respondents stated in the court that the information had been supplied to the appellant and requested the court to waive off the penalty imposed upon Shri Pawan Kumar, the then Tehsildar, Moga, now at Baghapurana. The appellant also admitted that he had received the information today only.

9. During this period, Shri Alwinderpal Singh Pakhoke, State Information Commissioner, had retired from the service and the case was re-allocated to this Bench. On 19-12-2017, 24-01-2018 and 17-04-2018, Shri Pawan Kumar, the then Tehsildar did not attend the court nor he submitted his written explanation for the delay, therefore, the court ordered the

respondent-PIO to deposit the amount of penalty in the State Treasury. On the next date of hearing on 06-06-2018, both the parties were absent and the case was adjourned to 18-07-2018. On 18-07-2018, the representative of respondents submitted in the court that Shri Pawan Kumar is not depositing the penalty in the Treasury. Shri Pawan Kumar was directed to be present in the court, along with his written explanation, on the next date of hearing. On 27-09-2018, both the parties were absent and the case was adjourned for today.

10. Today Shri Pawan Kumar, Tehsildar, is present in the court after the elapse of about 25 months. He pleads that he remained as Tehsildar, Moga from 07-06-2016 to 24-05-2017 and the show cause notice issued on 24-05-2017 was received in the office of Tehsildar Moga after he had relinquished the charge of Tehsildar Moga on 25-05-2017. He requests the court to waive off the penalty imposed upon him.

11. As per the record available in the case file and in view of the adamant attitude of Shri Pawan Kumar, the then Tehsildar-cum-PIO, Moga, in not taking seriously the orders of the Commission in supplying the information and to be present in the court in person, the order of imposing penalty of Rs. 25,000/- upon Shri Pawan Kumar, the then PIO-cum-Tehsildar, Moga, and now Tehsildar, Guru Har Sahai is allowed to continue and he is directed to deposit the amount of penalty in the Treasury before the next date of hearing. The Deputy Commissioner, Moga is also directed to get the orders of the Commission implemented and compliance reported before the next date of hearing. Adjourned.

12. To come up for compliance of orders on **18-12-2018 at 12.30 PM.**

13. Copies of order be sent to the parties.

Place: Chandigarh,
Dated: 13-11-2018

Sd/-
(Hem Inder Singh)
State Information Commissioner

CC: Deputy Commissioner, Moga for getting the orders of Commission complied with.

