

PUNJAB STATE INFORMATION COMMISSION
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Shri Vicky Bajaj s/o Sh. K.L.Bajaj,
H.No.51, Vikas Vihar, Phase-1,
Ferozepur.

...Appellant

Versus

Public Information Officer
O/O DTO-cum- Regional Transport Authority,
Ferozepur.

First Appellate Authority,
O/O Additional State Transport Commissioner,
Punjab, SCO No. 177-78, Sector 17-B,
Chandigarh.

...Respondents

Appeal Case No. 1851 of 2017

Present: Shri Tejinder Singh, Advocate, on behalf of appellant.
Shri Baldev Randhawa, PIO and Shri Sukhwinder Singh, Clerk, on behalf of the respondents.

ORDER:

Today both the parties are present in the court.

2. The respondent-PIO, Shri Baldev Randhawa, submits a letter dated 22-02-2019, signed by him as Secretary, RTA, Ferozepur, in the court which is taken on record. In the said letter he has written that the sought for information was provided to the appellant on 07-04-2017. He has further written that vide orders dated 19-04-2018, the Court had imposed a penalty of Rs.15,000/- upon him on the basis that the information has been provided after a lapse of about 18 months. It is also written by the respondent-PIO that he has got the photocopy of the file dealing with the case through RTI from the PIO of office of Punjab State Information Commission. The copy of information supplied on 25-10-2017 is very much there in the case file of the Commission, therefore, it is clear that the information is not late by 18 months. The said information was provided by his predecessor on 07-04-2017. Thereafter, when he joined there as Secretary, RTA again, he supplied the information on 25-10-2017, a copy of which was received in the Commission office through e-mail on 25-10-2017. In the end of his letter, the PIO has requested the court to reconsider its decision of imposing penalty upon him.

3. A perusal of case file reveals that a letter dated 04-03- 2017 has also been enclosed by the appellant with his second appeal filed in the Commission on 10-07-2017 stating

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therein that he filed his RTI application with the PIO on 15-09-2016 and after the expiry of 30 days, he filed first appeal with the first appellate authority on 04-03-2017. He has further written that he has not received any information up to 10-07-2017.

5. Accordingly, first hearing notice was issued to the parties to be present in the court on 17-08-2017. The respondents did not attend the court on 17-08-2017, 19-09-2017 and 11-01-2018. Therefore, a show cause notice under Section 20(1) of the RTI Act was issued to Shri Baldev Randhawa, PIO to explain the reasons as to why a penalty be not imposed upon him for the delay in not providing the information and also not attending the court on three occasions consecutively and also why a suitable compensation may not be awarded to the appellant under Section 19(8)(b) of the RTI Act for the loss and detriment suffered by him.

6. On the next date of hearing on 06-03-2018, the PIO did not attend the court nor submitted any written reply, but rather deputed a Clerk to appear on his behalf. The case was adjourned to 19-04-2018. But again the PIO, Shri Baldev Randhawa, did not attend the court nor submitted his written reply. The appellant, who was present in the court, refuted the claim of PIO of having supplied the information. Thus taking the defiant attitude of the PIO a penalty amounting to Rs. 15,000/- was imposed upon the PIO (Shri Baldev Randhawa) and a compensation amounting to Rs. 5,000/- was awarded to be paid to the appellant by the public authority.

7. However, the PIO, Shri Baldev Randhawa, sent his reply dated 14-05-2018 by post to the Commission. In his written submission Shri Randhawa has written that he remained posted at Ferozepur during the period from 08-09-2017 to 27-02-2018 and he cannot be held guilty for not supplying the information. He has requested the court to reconsider its decision of imposing penalty upon him.

8. The papers available in the case file show that the show cause notice was issued to the PIO vide orders 11-01-2018 and Shri Baldev Randhawa was working as Secretary, RTA at Ferozepur. But he did not bother either to attend the court in person or to submit his written reply for the delay on the next date of hearing i.e. on 06-03-2018. Thus taking the defying attitude of the PIO in view, the penalty was imposed upon him vide orders dated 19-04-2018. After the orders of imposing penalty were issued, Shri Baldev Randhawa, sent his written submission, by post, after a lapse of about one month i.e. on 14-05-2018 and still did not attend the court in person. He did not attend the hearing on 07-06-2018. Shri Baldev Randhawa,

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appeared in the court on 04-09-2018 only. During this hearing, the appellant stated that he has not received any information till date as stated by the respondents. Copies of information, which the respondents have brought with them, were handed over to the appellant in the court on 04-09-2018. On 21-11-2018, 02-01-2019, 05-02-2019 and 05-03-2019, Shri Baldev Randhawa did not attend the court despite the repeated orders passed by the court to be present in person in the court.

9. Today Shri Baldev Randhawa is present who again requests the court to review its order of imposing penalty upon him.

10. From the above mentioned facts, as available in the record file, it is crystal clear that Shri Baldev Randhawa did not take the orders of the court seriously to be present in the court despite repeated orders. Further, the contention of Shri Randhawa that the information was supplied on 07-04-2017 and the delay is not 18 months. The fact is that the RTI application is dated 15-09-2016 and the information was supplied on 04-07-2017, as asserted by the respondents, but the fact denied by the appellant that he has not received any information up to 04-09-2018. If the delay is counted from the date of submission of RTI application dated 15-09-2016 and to the supply of information on 04-07-2017, the total delay comes to about 203 days which is very much on the higher side, as the PIO is supposed to supply the information within thirty days on the receipt of RTI application. It is clear that Shri Baldev Randhawa remained as Secretary ,RTA, Ferozepur from 08-09-2017 to 27-02-2018, and at the time of issue of show cause notice vide orders dated 11-01-2018, Shri Randawa was very much there and it was the duty of Shri Randhawa to submit a written explanation to the show cause notice, but he did not do so and nor did he attend the court on many occasions.

11. After going through the circumstances and the record available in the case file, the order of imposing penalty of Rs. 15,000/- upon Shri Baldev Randhawa is upheld and he is directed to deposit the penalty amount in the State Treasury under the relevant head of account.

12. To come up on **16-04-2019 at 11.00 AM** for compliance of orders.

13. Copy of order be sent to the parties.

Place : Chandigarh.
Dated: 20-03-2019.

Sd/-
(Hem Inder Singh)
State Information Commissioner