

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.

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Whatsapp No. 6284820189



Shri Baljit Singh S/o Shri Harjeet Singh, 98148-9955

R/o H. No. 4882 - B,

Guru Arjan Dev Nagar,

PO - Khalsa Collale, Amrisar.

..Appellant

Vs

Public Information Officer,

O/o Chief Engineer,

Panchayati Raj, P.W., Works, Punjab,

Vikas Bhawan, Sector -62,

SAS Nagar(Mohali).

First Appellate Authority-cum-

Financial Commissioner,

Rural Development and Panchayat Department,

Vikas Bhawan,

Punjab, Mohali.

Public Information Officer

o/o the Executive Engineer,

Panchayati Raj Division,

Vikas Bhawan, Mohali.

..Respondents

Appeal Case No. 1713 of 2020

ORDER

This order may be read with reference to the previous order dated 23.12.2020 vide which the case was reserved to be pronounced.

2. The appellant has sought the following information in this case:-

“1. Certified copy of RTI application of Sh. Balwinder Singh r/o VPO Kumbra, District SAS Nagar, Mohali in the office of Executive Engineer PR Division SAS Nagar, Mohali.

2. Certified copies of all the documents/information/record provided to the said applicant by the Executive Engineer PR Division SAS Nagar, Mohali.

3. Why no written notice was ever given to us (Creative Builders) to make representation against or for issue of the proposed disclosure of the documents/information/record relating to Creative Builders in matter of subject matter mentioned in subject, as mandatory as per section 11 of the RTI Act ?

4. What action has been taken/is proposed against the erring officer for flouting the provisions of the RTI Act before disclosing any such information?”

3. The appellant had filed the 2nd appeal in the Commission on 30.6.2020. Therefore the notice of hearing was issued to the parties for 28.8.2020. On the said date the representative of the respondents requested for the adjournment of the case. However, the case was adjourned to 12.10.2020 but due to administrative reasons the case was further adjourned to 21.10.2020.

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Appeal Case No. 1713 of 2020

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4. During the hearing on 21.10.2020 the respondent-Public Information Officer stated that the reply has already been sent to the appellant vide No. 704 dated 25.9.2020 that no such record is available in the office of the Executive Engineer, PR PW Division, SAS Nagar Mohali concerning the Point No. 1 & 2 of the RTI application of Sh. Balwinder Singh, r/o Kumbra, SAS Nagar from 15.8.2017 to 10.5.2018 as has been sought by the appellant. Regarding Point No. 3 & 4 of the RTI application the respondent-Public Information Officer mentioned in the said letter that the appellant has sought the information in question form so the information has been denied as per the provisions of the RTI Act, 2005. But the appellant contended that the respondent-Public Information Officer has supplied the misleading information pertaining to Point No. 1 & 2 of the RTI application and states that Sh Balwinder Singh has filed the CRM M 23826 of 2018 in the Hon'ble Punjab and Haryana High Court and attached the documents pertaining to M/s Creative Builders as annexures that has been submitted by M/s Creative Builders to the Panchayati Raj Department. Regarding Point No. 3 & 4, the appellant accepts the plea taken by the respondent-Public Information Officer. The copies sent by the appellant in this regard was taken on record and the directions were issued to the respondent-Public Information Officer that it is a serious matter that the official documents of Panchayati Raj Department are in public domain when it relates to the 3rd party and also not supplied under the RTI Act, 2005 as per the submissions made by the respondent. Therefore, the respondent-Public Information Officer o/o the Executive Engineer was directed to initiate the enquiry and fix responsibility in this case. Also the respondent-Public Information Officer was directed to submit that from 15.8.2017 to 10.5.2018, no RTI application of Sh. Balwinder Singh has been received/dealt with by the office and the case was adjourned to 10.11.2020.

5. During the hearing on 10.11.2020 the respondent-Public Information Officer o/o the Executive Engineer stated that the matter has been enquired and the information pertaining to Point No. 1 & 2 of the RTI application will be supplied within a week's time and regarding Point no. 3 & 4 of the RTI application, the appellant agreed with the submissions of the respondent-Public Information Officer that the sought information is in question form so no information is liable to be supplied and the case was adjourned to 19.11.2020 but due to administrative reasons the case was further adjourned to 10.12.2020 and 23.12.2020.

6. During the hearing on 23.12.2020, the appellant made the submissions through email in which it has stated that he has received 47 pages i.e. the complete information pertaining to Point No. 1 & 2 of the RTI application but he has contended that the former Executive Engineer Er. Kuldip Singh Garcha has supplied the information to Sh. Balwinder Singh s/o Sh. Lal Singh in haste i.e. within 48 hours pertaining to M/s Creative Builders and did not comply with the mandatory provisions of Section 11 of the RTI Act. He has also contended that the respondent-Public Information Officer made a false statement that no record is available concerning Point No. 1 & 2 of the RTI application but the information

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comprising 47 pages have been supplied later on. However, the respondent-Public Information Officer stated that he has taken the charge of the Executive Engineer on 16.9.2020 but as per the report of the office, he has signed and sent the reply to the appellant that no such information is available concerning Point No. 1 & 2 of the RTI application. He has also stated that he has enquired the matter as per the documentary evidence provided by the appellant and recommended by the Commission. He also stated that then Executive Engineer Er. Kuldip Singh Garcha now retired was contacted who informed that the file was in the office and then the file related to the sought information was traced and the information was supplied. He also stated that he has committed the mistake inadvertently and also submitted the unconditional apologies for the same.

7. After hearing both the parties and going through the record available on the case file the submissions made by the appellant regarding failure to invoke Section 11 of the RTI Act, 2005 by the then Executive Engineer, Er. Kuldip Singh Garcha is a serious lapse on the part of Public Information Officer-cum-Executive Engineer, who has supplied the information but has now retired. However, the respondent-Public Information Officer-cum-Executive Engineer is advised to be careful in future while dealing with the RTI application(s).

8. That, the appellant has received the complete information pertaining to Point No. 1 & 2 of the RTI application as per his submissions made through email dated 3.12.2020. The Commission observes that no further action is required in this case. Therefore, the case is disposed of and closed.

Dated: 4.1.2021

Sd/
(Suresh Arora)
Chief Information Commissioner,
Punjab.