

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
Ph: 0172-2864115, Email: - psic25@punjabmail.gov.in
Visit us: - www.infocommpunjab.com



(Regd. Post) Er. Darshan Singh Sahi,
S.E.PWD (B&R),
Kothi No.1046,Phase-4,
SAS Nagar, Mohali.

Complainant

Versus

(Regd. Post) Public Information Officer
O/o Executive Engineer,
Central Works Division,
PWD (B&R) Branch Pathankot.

Respondent

Complaint Case No. 602 of 2016

ORDER

1. The above mentioned case was last heard by the Bench of Undersigned dated 16.05.2017 and judgment was reserved.

2. After examining the case file, it is found that on the first hearing held on 11.05.2016, complainant stated that after the lapse of four months no information has been provided to him by the respondent.

Sh. Tarsem Lal XEN was appeared on behalf of the respondent stated that he has brought the information to personally deliver it to the complainant today in the Commission. Copy of the same is handed over to the complainant in the commission by the respondent. The complainant was advised to go through the information and point out the deficiency, if any, in the information provided to the respondent before the next date of hearing with a copy to the Commission and matter was fixed for further hearing on 06.06.2016.

3. On hearing held on 06.06.2016, complainant stated that incomplete information has been provided to him by the respondent.

Sh. Tarsem Lal XEN was appeared on behalf of the respondent stated that he is the only person in their department and assured that he will provide the information as earliest before the next date of hearing. The complainant was advised to go through the information and point out the deficiency, if any, in the information provided to the respondent before the next date of hearing with a copy to the Commission and matter was fixed for further hearing on 02.08.2016.

4. On hearing held on 02.08.2016, both the parties were absent without any intimation to the Commission for today's hearing and matter was fixed for further hearing on 24.08.2016.

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
Ph: 0172-2864115, Email: - psic25@punjabmail.gov.in
Visit us: - www.infocommpunjab.com



Complaint Case No. 602 of 2016

5. On hearing held on 24.08.2016, Sh. Darshan Singh, the complainant stated that no information has been provided to him. Sh. Netar Singh, Senior Assistant was appeared on the behalf of the respondent stated that he personally brought the required information to personally hand over it to the complainant. Copy of the information is handed over to the complainant during the hearing. The complainant was advised to go through the information and point out the deficiency, if any therein before the next date of hearing to the respondent with a copy to the Commission and matter was fixed for further hearing on 13.10.2016.

6. On hearing held on 13.10.2016, Sh. Tarsem Lal, XEN appeared on the behalf of the respondent stated that on the last hearing on 24.08.2016 the information was personally handed over it to the complainant in the Commission and the complainant has not pointed out any deficiency in the supplied information. Complainant, Sh. Darshan Singh was present during the hearing.

Last opportunity was given to the complainant to follow his case failing to which ex-parte decision shall be taken and it will be presumed that information stands supplied and he does not want to pursue this case further and matter was fixed for further hearing on 16.11.2016. Hearing which was earlier fixed for 16.11.2016 was postponed due to declaration of Government Holiday and fixed for further hearing on 06.12.2016.

7. On hearing held on 06.12.2016, complainant, Sh. Darshan Singh shows his dissatisfaction on the supplied information. Sh. Tarsem Lal, XEN was appeared on the behalf of the respondent stated that the information was personally handed over to the complainant on the last date of hearing on 24.08.2016.

On hearing both the parties and going through the documents placed on records, it was found that irrelevant information was provided to the complainant, last opportunity was given to the respondent PIO to provide the relevant information as per the RTI application of the complainant and matter was fixed for further hearing on 27.12.2016.

8. On hearing held on 27.12.2016, Complainant, Sh. Darshan Singh stated that information in connection with point no. 6, 7 and 8 is still pending.

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
Ph: 0172-2864115, Email: - psic25@punjabmail.gov.in
Visit us: - www.infocommpunjab.com



Complaint Case No. 602 of 2016

Sh. Tarsem Lal, XEN on the behalf of the respondent submitted a point wise reply vide Endst. No. 1577-79/M dated 21.12.2016 signed by Executive Engineer, Central Works Division, Pathankot. It was taken on record.

On this, the complainant expresses his dissatisfaction and states that he has received the same reply. He also states that this is just a reply not document and requested to provide the notings, documents and orders as per the point no. 6 to 8 as per his RTI request. The complainant also stated that the respondent is intentionally not providing the requisite information.

On this, the respondent states that whatever information was available in the official record has already been provided to the complainant.

After hearing both the parties and going through the case file, it was found that incomplete information has been provided to the complainant. The respondent was directed to provide the remaining information to the applicant by the next date of hearing or file a detailed reply in the shape of an affidavit in the form of clarification that whatever information was available in the office record has been supplied to the appellant and there is no other information to be supplied other than the supplied information and matter was fixed for further hearing on 18.01.2017.

9. On hearing held on 18.01.2017, Er. Darshan Singh, the complainant stated that information in connection with point no. 6, 7 and 8 is still pending. Sh. Tarsem Lal, XEN on the behalf of the respondent stated that information has already been provided to him. It was observed that the respondent on previous hearings dated 06.06.2016, 24.08.2016, 06.12.2016 and 27.12.16 and on today's hearing has either given any excuse or provided irrelevant or incomplete information to the complainant till date.

On the mutual request of the complainant and the respondent one more opportunity was given to the respondent is directed to provide the remaining information to the complainant or file a detailed reply in the shape of an affidavit in the form of clarification that whatever information was available in the office record has been provided to the complainant and there is no other information to be supplied other than the supplied information and matter was adjourned for further hearing on 07.03.2017.

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
Ph: 0172-2864115, Email: - psic25@punjabmail.gov.in
Visit us: - www.infocommpunjab.com



Complaint Case No. 602 of 2016

10. On hearing held on 07.03.2017, Sh. Baldev Raj, JA on the behalf of the respondent submitted a written reply Endst. No. 1910-12/M dated 03.03.2017 signed by the Executive Engineer, Central Works Division, Pathankot to the Commission mentioning therein point wise reply in connection with point no. 6, 7 and 8 of the RTI application, which was taken on record. The respondent also handed over a copy to the complainant during the hearing.

On this, the complainant stated that the respondent is not providing the requisite information to him as per the last order dated 13.02.2017 passed by the Commission. He further stated that the respondent PIO providing irrelevant replies.

On the last date of hearing on 13.02.2017 on mutual consent of complainant and respondent, one more opportunity was given to the respondent PIO either to provide the remaining information or to file an affidavit in the form of clarification that whatever information was available in the office record has been supplied to the complainant and there is no other information to be supplied other than the supplied information, but the respondent PIO is failed to do so.

In view of the above, Show Cause noticed was issued to the respondent PIO of office of Executive Engineer, Central Works Division, PWD (B & R), Branch, Pathankot and matter was adjourned for further hearing on 21.03.2017.

11. On hearing held on 21.03.2017, complainant, Sh. Darshan Singh Sahi stated that neither remaining information nor affidavit has been supplied to him. Sh. Lakhwinder Singh, JE was present on the behalf of the respondent.

After hearing the complainant and going through the case file, I found that the respondent PIO is not providing the requisite information intentionally to the complainant and wasting the time of the Commission. Despite of giving various opportunities to the respondent PIO and due to evasive attitude of the respondent PIO concerned, the complainant has suffered lot of detriments for not getting the requisite information.

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
Ph: 0172-2864115, Email: - psic25@punjabmail.gov.in
Visit us: - www.infocommpunjab.com



Complaint Case No. 602 of 2016

Last opportunity was given to the respondent PIO to appear in person along with reply of show cause notice issued to him vide order dated 07.03.2017 and the remaining information to the complainant or file an affidavit in the form of clarification that whatever information was available in the office record had been supplied to the applicant and there is no other information to be supplied other than the supplied information on the next date of hearing, failing to which action under section 20 (1) would be initiated against him. The respondent PIO is also directed not to send any other employee to attend next hearing and matter was adjourned for further hearing on 03.04.2017.

12. On hearing held on 03.04.2017, Sh. Darshan Singh Sahi, the complainant was present for today's hearing but the respondent was absent without any intimation to the Commission. After hearing the complainant and going through the case file, I am not satisfied with the respondent PIO as the RTI application is dated 28.01.2016 and more than one year has been passed and the respondent PIO has harassed the complainant deliberately, I am of the considered view that penalty must be imposed upon the concerned PIO. As Show cause notice was issued to the respondent PIO office of Executive Engineer, Central Works Division, PWD (B & R), Branch, Pathankot vide order dated 07.03.2017 but the respondent PIO has not filed any reply to show cause till date.

In view of the above, penalty of Rs. 5,000/- was imposed on PIO office of Executive Engineer, Central Works Division, PWD B & R, Pathankot as I found him guilty for violation of the RTI Act. The amount of penalty i.e. Rs. 5,000/- should be deducted from his salary and be deposited in the treasury under head "0070-Other Administrative Services-60-Other Services-800-Other Receipts-86-Fee under the Right to Information Act". The Superintendent Engineer, Office of Central Works Division, PWD (B & R) Branch, Pathankot shall ensure that this amount of penalty is deducted from the salary of the above said defaulting official and deposited in the Treasury under the relevant head and he is warned to be very careful in future dealing with RTI applications/directions given by the Commission and matter was adjourned for further hearing on 10.05.2017. After the hearing was over Sh. Tarsem Lal, XEN appeared from the respondent side and read out the above said order.

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
Ph: 0172-2864115, Email: - psic25@punjabmail.gov.in
Visit us: - www.infocommpunjab.com



Complaint Case No. 602 of 2016

13. On hearing held on 10.05.2017, Sh. Darshan Singh Sahi, the complainant stated that neither had he received the remaining information (in connection with point no. 6, 7 and 8) nor an affidavit from the respondent.

Sh. Tarsem Lal, XEN requested one more opportunity to provide the affidavit as directed in previous order dated 03.04.2017.

Due to evasive attitude of the respondent PIO concerned, along with Mr. Tarsem Lal, XEN cum PIO the complainant has suffered lot of detriments for not getting the requisite information, I am of the view that compensation be awarded to the complainant, Sh. Darshan Singh Sahi.

Hence it is bring into notice of concerned parties that I award a compensation of Rs. 5,000/- (Five Thousand) to the complainant instead of penalty of 5000/- (as directed in previous order dated 03.04.2017). The compensation amount must be paid through cheque or demand draft in favour of Darshan Singh Sahi from the account of Public Authority concerned and not from the individual's account. Respondent PIO was also directed to collect a copy of the above said cheque or demand draft and produce on the next date of hearing.

On the request of respondent, one more opportunity was given to him to either provide the remaining information (in connection with point no. 6, 7 and 8) to the complainant or file an affidavit for the said remaining information as directed in previous orders dated 13.02.2017, 21.03.2017 and 03.04.2017 by the next date of hearing positively. A copy of this order was sent to Superintendent Engineer, Central Works Amritsar for information and necessary action for compliance of this order and matter was adjourned for further hearing on 16.05.2017.

14. On hearing held on 16.05.2017, Sh. Tarsem Lal on behalf of the respondent handed over self declaration to the complainant during the hearing. A copy of the same is taken on record.

Sh. Tarsem Lal also handed over a cheque in the name of Darshan Singh Sahi SE (Rtd.) as cheque no. 626386 dated 16.05.2017 amounting Rs. 5,000/- as compensation which was awarded to the complainant by the Commission vide order dated 10.05.2017. A copy of the cheque was taken on record. The complainant received the cheque and submitted in written that he has received the cheque no. 626386 dated 16.05.2017 of Rs. 5,000/- for compensation. It was also taken on record.

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
Ph: 0172-2864115, Email: - psic25@punjabmail.gov.in
Visit us: - www.infocommpunjab.com



Complaint Case No. 602 of 2016

The complainant also demanded the pending information. After questioning from the respondent, the respondent Sh. Tarsem Lal states that whatever information was available in the official record has already been supplied to the complainant. After hearing both the parties and going through the case file, to decide the matter judgment was reserved.

15. I have gone over the contents of the reply dated 16.05.2017 given in the shape of an affidavit by Sh. Tarsem Lal (Ex-Respondent, Office of Executive Engineer, Central Works Division, PWD (B & R), Branch, Pathankot), I found it satisfactory. As no cause of action is left, hence, the instant complaint case is **disposed of & closed**.

16. Announced in the Court. Copy of the order be sent to the parties.

Chandigarh
Date: 11.03.2019

(Dr. Pawan Kumar Singla)
State Information Commissioner

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
Ph: 0172-2864115, Email: - psic25@punjabmail.gov.in
Visit us: - www.infocommpunjab.com



(Regd. Post) Sh. Ranjit Singh
Kothi No. 63, Phase 3B 1,
SAS Nagar
Complainant

Versus

(Regd. Post) Public Information Officer
O/o XEN of Panchayat Raj,
District Kapurthala.
Respondent

COMPLAINT CASE NO. 1829 of 2016

ORDER

1. The above mentioned case was last heard by the Bench of Undersigned dated 02.05.2017 and judgment was reserved.

2. After examining the case file, it is observed that on the first hearing held on 20.03.2017, Sh. Ranjit Singh the complainant stated that he has not received the complete requisite information. He handed over copy of deficiencies in written to the respondent during the hearing, copy of which was taken on record.

Sh. Mohinder Singh, SDO, on the behalf of respondent stated that requisite information has already been provided to the complainant and no other requisite information is pending.

it was found that a covering letter along with the copy of information was received in the Commission vide diary no. 5947 dated 15.03.2017 signed by EO, Panchayati Raj P.W. (C&M) Division, Kapurthala mentioning therein that requisite information along with additional information requisite by the complainant has already been provided to the complainant, which was taken on record.

Respondent PIO was directed to go through the deficiencies pointed out and remove the deficiencies or file an affidavit that no other requisite information is available in record and matter was adjourned for further hearing on 02.05.2017.

3. On hearing held on 02.05.2017, Sh. Manjeet Singh, AE on behalf of the respondent handed over an affidavit to the complainant during the hearing.

On this, the complainant expresses his dissatisfaction and states that when the respondent PIO can provide the requisite information to the Panchayat then why PIO is denying providing information to me. He stated that the information relates with common schedule rate list is still pending.

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
Ph: 0172-2864115, Email: - psic25@punjabmail.gov.in
Visit us: - www.infocommpunjab.com



COMPLAINT CASE NO. 1829 of 2016

4. I have gone through the RTI filed by the complainant and found that he has not demanded information regarding the common schedule rate list, which was pointed out by the complainant on the hearing held on 02.05.2017.
5. After examining the case file and all documents, it is observed that supplied reply (Dated 5.10.2016, 28.11.2016 and 22.03.2017 as per the case file) fulfill all the aspects of the RTI request. As, no cause of action is left, hence, the instant appeal case is **disposed of & closed**.
6. Announced in the Court. Copy of the order to be sent to the parties

Chandigarh
Date: 11.03.2019

(Dr. Pawan Kumar Singla)
State Information Commissioner