

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden

Sector:16, Chandigarh

Contact No.0172-2864116, Fax No.0172-2864125

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Sh. Dalvir Singh,
S/o Sh. Bhag Singh,
R/o Village Kot Penech, Tehsil:Khanna,
Distt:Ludhiana.

...Appellant

Versus

Public Information Officer,
O/o BDPO,
Khanna, Distt:Ludhiana.

First Appellate Authority
o/o DDPO,
Ludhiana.

...Respondent

Appeal CASE NO. 354 OF 2018

PRESENT: (i) Sh. Dalvir Singh, the appellant.
(ii) None is present on behalf of the respondent.

ORDER

This order may be read with referenced to the previous order dated 15.11.2018.

2. The appellant states that inspite of the directions of the Commission, no affidavit has been filed by the respondent.

3. Neither the PIO is present for today's hearing nor has filed any affidavit as directed by the Commission, during the last hearing, which shows that he has no regard to the orders of the Commission.

4. The perusal of the record reveals that in this case, the appellant has tried his best to get the information from the PIO who failed to provide the information to the applicant. He has been made to run from pillar to post for getting the information, which he could not get even after the notice was issued by the Commission in the second appeal. He has suffered unnecessary detriments/harassment in getting the information at the hands of the PIO.

5. I have also looked into all the facts and circumstances of the case. In my view this is a fit case, where award of compensation under Section 19 (8) (b) is also called for. I have no doubt in my mind that this state of affairs has also come about on account of the absence of adequate machinery for handling the RTI work in the o/o **BDPO, Khanna** is thus, responsible for the inadequate handling of the

Contd....p-2

RTI requests and in the instant case as well. **I, therefore, order that compensation of Rs. 2,000/- (Rs. Two thousand only)** be paid to the appellant for the detriments suffered by him. This amount shall be payable from the funds of the o/o **BDPO, Khanna** by way of Demand Draft to the appellant within one month.

6. The matter to come up for further hearing now on **30.01.2019 at 11.30AM**. Copies of the order be sent to the parties.

Chandigarh
13.12.2018

Sd/-
(Prof. Viney Kapoor Mehra)
State Information Commissioner

Note: After the hearing was over, Sh. Gurwinder Singh, Panchayat Officer appeared and filed an affidavit in response to the show cause notice, which is taken on record. The PIO is directed to appear personally on the next date of hearing, failing which action under section 20(1) of the RTI Act, 2005 will be initiated.

Chandigarh
13.12.2018

Sd/-
(Prof. Viney Kapoor Mehra)
State Information Commissioner

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Sh. Vipin Kumar,
S/o Sh. Jiwan Kumar,
R/o Sherpur, Tehsil:Dhuri,
Distt: Sangrur.

...Appellant

Versus

Public Information Officer,
O/o District, Food Civil Supplies Controller,
Sangrur.

First Appellate Authority
o/o Director,
Food Civil Supplies and Consumer Affairs,
Punjab, Chandigarh.

...Respondent.

Appeal Case No. 371 of 2018

PRESENT: None is present on behalf of the appellant.
Sh. Jaspreet Singh, DFSC on behalf of the respondent.

ORDER

This order may be read with reference to the previous order dated 15.11.2018.

2. The appellant is absent for today's hearing.

3. The respondent states that after searching the record, the information has been supplied to the appellant vide letter dated 08.12.2018 by registered post. The PIO files an affidavit in response to the show cause notice, which is taken on record.

4. After going through the affidavit, it is ascertained that this affidavit is not attested. A show cause notice has been issued to the PIO on 26.09.2018 but till today, proper affidavit has not been filed by the respondent.

5. The perusal of the file and the conduct of the respondent have proved that he has not performed his duty as mandated by the RTI regime, which shows that he has no regard for the orders issued by the Commission and respect for the law which has been passed for ensuring transparency & accountability. Disregard of the law of the land is intolerable and he is not only delaying the information to the appellant but is making mockery of it which needs to be condemned. Such kind of behavior of a Government employee needs to be condemned and such employees need to be taught a good lesson so that rest of the employees have a right kind of message to wake up

Contd...p-2

and perform their duties under the RTI Act for ensuring complete transparency and due accountability in the governance affairs of the public authorities.

It transpires that he has provided information after the lapse of more than one year. There has been unnecessary delay in conveying the correct state of affairs to the complainant in regard to his request for information. His explanation for delay has been unsatisfactory given by the respondent. Rather, his failure to even respond to the show cause direction by the Commission reinforces the fact that he has been without any reasonable cause, guilty of remissness in the discharge of his duties. He, therefore, deserves to be penalized.

In view of the facts stated above, the conduct of the official needs to be condemned and the ends of justice will be met by imposing penalty.

I, therefore, **impose necessary penalty of Rs. 10,000/- (Rupees Ten Thousand) from the date of the RTI application upon Sh. Jaspreet Singh, DFSC, Sangrur** having failed to perform his mandated duty and to submit any reply to the show cause notice issued to him. The amount of penalty i.e. Rs. 10,000/- 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-Fees under the Right to Information Act." **The Director, Food Civil Supplies and Consumer Affairs, Punjab Chandigarh 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 while dealing with RTI applications/appeal cases, any instructions/directions given by the Commission.**

6. The PIO is also directed to file a proper affidavit, on the next date of hearing in response to the show cause notice.

7. Last opportunity is given to the appellant to follow up his case in the Commission and point out the deficiencies, if any, in the information provided to him by the respondent, failing which decision shall be taken on merits.

8. The matter to come up for further hearing now on **30.01.2019 at 11.30AM**. Copies of the order be sent to the parties.

Chandigarh
13.12.2018

Sd/-
(Prof. Viney Kapoor Mehra)
State Information Commissioner

Through (Regd. Post)

CC: Director, Food Civil Supplies and Consumer Affairs, Punjab, Chandigarh.
Sh. Jaspreet Singh, DFSC, Sangrur.

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Sh. Vipin Kumar,
S/o Sh. Jiwan Kumar,
R/o Sherpur, Tehsil:Dhuri,
Distt: Sangrur.

...Appellant

Versus

Public Information Officer,
O/o Director,
Food Civil Supplies and Consumer Affairs,
Punjab, Chandigarh.

First Appellate Authority
o/o Director,
Food Civil Supplies and Consumer Affairs,
Punjab, Chandigarh.

...Respondent.

Appeal Case No. 370 of 2018

PRESENT: None is present on behalf of the appellant.
Sh. Jaspreet Singh, DFSC on behalf of the respondent.

ORDER

This order may be read with reference to the previous order dated 15.11.2018.

2. The appellant is absent for today's hearing.
3. The respondent o/o DFSC, Sangrur appeared on behalf of the respondent and states that a letter has been received from the Suptd., o/o Director, Food Civil Supplies and Consumer Affairs, Punjab on 26.04.2018 to provide the information to the appellant and information has been given to the appellant vide letter dated 15.06.2018 by registered post.
4. After hearing the respondent and perusing the record, it is ascertained that the appellant filed an RTI application on 01.04.2017 to the Director, Food Civil Supplies and Consumer Affairs, Punjab, Chandigarh and reply has been sent to the appellant on 17.04.2017 by the department by ordinary post, as no fees has been sent by the appellant.
5. The Director, Food Civil Supplies and Consumer Affairs, Punjab is directed to appear personally alongwith an affidavit in response to the show cause notice mentioning the complete facts of the case. The PIO is also directed to pay the compensation amount of RS. 3000/- to the appellant, before the next date of hearing, failing which it will be enhanced.

Contd...p-2

6. Sh. Jaspreet Singh, DFSC, Sangrur is also directed to appear personally alongwith an affidavit mentioning the complete facts of the case.

7. The matter to come up for further hearing now on **30.01.2019 at 11.30AM**. Copies of the order be sent to the parties.

**Chandigarh
13.12.2018**

Sd/-
**(Prof. Viney Kapoor Mehra)
State Information Commissioner**

Through (Regd. Post)

**CC: Director, Food Civil Supplies and Consumer Affairs, Punjab,
Chandigarh.(By Name)**

Sh. Jaspreet Singh, DFSC, Sangrur.

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Sh. Sukhjeet Singh,
S/o Sh. Karam Singh,
H.No.82, Street No.3,
Near Mobile Tower, Aam Admi Party,
Office,Basant Nagar, Partap Singh Wala,
Ludhiana.

...Appellant

Versus

Public Information Officer,
O/o District Social Security Officer,
Women & Child Development,
Ludhiana.

First Appellate Authority
o/o District Social Security Officer,
Women & Child Development,
Ludhiana.

...Respondent

Appeal Case No. 332 of 2018

PRESENT : (i)Sh. Sukhjeet Singh, the appellant.
(ii) Sh. Jeewan Kumar Mangat, CDPO and Sh. Kanwaljit Singh, Sr.
Assistant is present on behalf of the respondent.

ORDER

This order may be read with reference to the previous order dated 14.11.2018.

2. The appellant states that the information regarding point no. 4, 5 and 6 has not been provided to him by the respondent.

3. Sh. Jeewan Kumar, CDPO, Ludhiana appears in the person and states that the RTI application of the appellant dated 24.10.2017 has been transferred from the District Social Security Officer, Ludhiana on 08.03.2018 to their department from the District Programme Officer, Ludhiana and the information comprising 119 pages has already been provided to the representative of the appellant on 26.06.2018.

4. The appellant states that he has not received the information from the respondent. The respondent states that if he has not received the information, he is ready to provide the same again to the appellant.

5. The respondent is directed to provide the complete information to the appellant, before the next date of hearing,

6. During the last hearing, Sh. Harmesh Singh, DSSO, Ludhiana was directed to file an affidavit but at today's hearing, no reply has been filed by him in

Contd...p-2

response to the show cause notice. Last opportunity is given to Sh. Harmesh Singh, DSSO, Ludhiana and District Programme Officer, Ludhiana, both are directed to appear personally and file an affidavit mentioning the complete facts of the case, on the next date of hearing, failing which action under Section 20(1) of the RTI Act, 2005 will be initiated.

7. The matter to come up for further hearing now on **24.01.2019 at 11.30AM**. Copies of the order be sent to the parties.

Sd/-

**Chandigarh
13.12.2018**

**(Prof. Viney Kapoor Mehra)
State Information Commissioner**

Through registered post

**CC: Sh. Harmesh Singh, DSSO, Ludhiana
District Programme Officer, Ludhiana (By Name)**

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Sh. Hardial Singh,
S/o Sh. SHer Singh,
Village & P.O: Dhablan,
Tehsil & Distt: Patiala.

...Appellant

Versus

Public Information Officer,
O/o Block Development and Panchayat Officer,
Patiala.
First Appellate Authority
o/o District Development and Panchayat Officer,
Patiala.

...Respondent

Appeal Case No.352 of 2018

PRESENT: (i) Sh. Hardial Singh, the appellant.
(ii) Sh. Harinder Singh, Panchayat Secy., on behalf of the respondent.

ORDER

This order may be read with reference to the previous order dated 15.11.2018.

2. The appellant states that after the lapse of more than one year, the PIO has harassed him in supplying the information. Therefore, he should be compensated for the harassment suffered by him in getting the information.

3. The respondent files an affidavit in response to the show cause notice, today in the Commission. Copy of the same is also handed over to the appellant. states that he has brought the information relating to point no. 3 today in the Commission. Copy of the same is handed over to the appellant.

4. The perusal of the record reveals that in this case, the appellant has tried his best to get the information from the PIO who failed to provide the information to the applicant. He has been made to run from pillar to post for getting the information, which he could not get even after the notice was issued by the Commission in the second appeal. He has suffered unnecessary detriments/harassment in getting the information at the hands of the PIO.

5. I have also looked into all the facts and circumstances of the case. In my view this is a fit case, where award of compensation under Section 19 (8) (b) is also called for. I have no doubt in my mind that this state of affairs has also come about on account of the absence of adequate machinery for handling the RTI work in the o/o

Contd...p-2

BDPO, Sanaur, is thus, responsible for the inadequate handling of the RTI requests and in the instant case as well. **I, therefore, order that compensation of Rs. 2,000/- (Rs. Two thousand only)** be paid to the appellant for the detriments suffered by him. This amount shall be payable from the funds of the o/o **BDPO, Sanaur, Distt:Patiala** by way of Demand Draft to the appellant within one month.

6. The matter to come up for further hearing now on **30.01.2019 at 11.30AM**. Copies of the order be sent to the parties.

Sd/-

Chandigarh
13.12.2018

(Prof. Viney Kapoor Mehra)
State Information Commissioner

CC: Block Development and Panchayat Officer, Sanaur, Distt:Patiala.(Regd. Post)

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Sh. Nathu Ram,
S/o Sh. Mahavir Sihag,
R/o Village Taja Patti,
Tehsil: Abohar, Distt:Fazilka.

Appellant

Versus

Public Information Officer,
O/o District Social Security Officer,
Fazilka.

First Appellate Authority
o/o Deputy Director,
Social Security Women & Child Development,
Sector:34/A, Chandigarh.

Public Information Officer,
O/o CDPO,
Abohar-1. Distt:Fazilka.

Respondent

Appeal CASE NO. 813 OF 2018

PRESENT: (i) Sh. Nathu Ram, the appellant.
(ii) Smt. Manjit Kaur, DSSO, Fazilka and Smt. Geeta Rani, CDPO-
Abohar-1 is present on behalf of the respondent.

ORDER

This order may be read with reference to the previous order dated 14.11.2018.

2. The appellant states that till today, no information has been supplied to him by the respondent.

3. Sh. Manjit Kaur, DSSO, Fazilka appears and states that she has brought the information today in the Commission. Copy of the same is handed over to the appellant. She further states that she joined on 30.10.2018 as DSSO, Fazilka and Sh. Harbhajan Singh, Clerk was the dealing clerk, who has not intimated to her about the date of hearing that is why she has not attended the hearing in the Commission.

4. After going through the information, the appellant states that he is satisfied with the information provided but it has been provided very late.

5. The PIO o/o CDPO- Abohar-1 files written reply mentioning therein that the information was to be supplied by the DSSO, Fazilka and she has already given an affidavit to Sh. Harbhajan Singh, Clerk, to submit the same in the

Contd...p-2

Commission but he has not submitted the same in the Commission. She has again filed the photocopy of the affidavit today, in the Commission.

6. The perusal of the file and the conduct of the respondent have proved that the PIO has not performed his duty as mandated by the RTI regime, which shows that he has no regard for the orders issued by the Commission and respect for the law which has been passed for ensuring transparency & accountability. Disregard of the law of the land is intolerable and he is not only delaying the information to the appellant but is making mockery of it which needs to be condemned. Such kind of behavior of a Government employee needs to be condemned and such employees need to be taught a good lesson so that rest of the employees have a right kind of message to wake up and perform their duties under the RTI Act for ensuring complete transparency and due accountability in the governance affairs of the public authorities.

7. It transpires that he has provided information after the lapse of twelve months. There has been unnecessary delay in conveying the correct state of affairs to the complainant in regard to his request for information. His explanation for delay has been unsatisfactory given by the respondent. Rather, his failure to even respond to the show cause direction by the Commission reinforces the fact that he has been without any reasonable cause, guilty of remissness in the discharge of his duties. He, therefore, deserves to be penalized.

8. In view of the facts stated above, the conduct of the official needs to be condemned and the ends of justice will be met by imposing penalty.

9. I, therefore, **impose necessary penalty of Rs. 10,000/- (Rupees Ten Thousand) from the date of the RTI application upon** Sh. Mukesh Gautam, DSSO, Fazilka now posted at Hoshiarpur having failed to perform his mandated duty and to submit any reply to the show cause notice issued to him. The amount of penalty i.e. Rs. 10,000/- 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-Fees under the Right to Information Act." **The Deputy Director,**

Contd...p-3

Social Security Women & Child Development Deptt. Punjab, Chandigarh 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 while dealing with RTI applications/appeal cases, any instructions/directions given by the Commission. The PIO is also directed to take disciplinary action against Sh. Harbhajan Singh, Clerk who has not dealt with the RTI application properly and compliance report be submitted, on the next date of hearing.

10. The matter to come up for further hearing now on **29.01.2019 at 11.30AM**. Copies of the order be sent to the parties.

**Chandigarh
13.12.2018**

Sd/-
**(Prof. Viney Kapoor Mehra)
State Information Commissioner**

CC: Sh. Mukesh Gautam, DSSO, Hoshiarpur. (Regd.Post)

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Sh. Inderjeet Singh(General Secy.,)
RTI Activist, C/o Sh. Ramesh Kumar Sodhi,
Chamber No. 142/A, New Court, Jalandhar.

...Appellant

Versus

Public Information Officer,
o/o Director,
Rural Development and Panchayat Officer,
Punjab, Mohali.

First Appellate Authority
o/o Director,
Rural Development and Panchayat Officer,
Punjab, Mohali.

...Respondent

Appeal Case No. 397 of 2018

PRESENT: (i) Sh. Inderjeet Singh, the appellant.
(ii) None is present on behalf of the respondent.

ORDER

This order may be read with reference to the previous order dated 14.11.2018.

2. The appellant states that till today, complete information has not been supplied to him.

3. Neither the PIO nor his representative is present for today's hearing. An affidavit has already been filed by the PIO on 13.11.2018 mentioning therein that the information has already been supplied to the appellant by registered post on 01.11.2018 and nothing is left to be given to the appellant.

4. Copy of the affidavit is handed over to the appellant, with which the appellant is satisfied.

5. In view of the above, no further cause of action is left in the instant Appeal Case, which is hereby, **disposed of and closed**. Copies of the order be sent to the parties.

Chandigarh
13.12.2018

Sd/-
(Prof. Viney Kapoor Mehra)
State Information Commissioner

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Sh. Nathu Ram,
S/o Sh. Mahavir Sihag,
R/o Village Taja Patti,
Tehsil: Abohar, Distt:Fazilka.

Appellant

Versus

Public Information Officer,
O/o District Social Security Officer,
Fazilka.

First Appellate Authority
o/o Deputy Director,
Social Security Women & Child Development,
Sector:34/A, Chandigarh.

Respondent

Appeal CASE NO. 413 OF 2018

PRESENT: (i) Sh. Nathu Ram, the appellant.
(ii) Smt. Manjit Kaur, DSSO, Fazilka is present on behalf of the respondent.

ORDER

This order may be read with reference to the previous order dated 14.11.2018.

2. The appellant states that till today, no information has been supplied to him by the respondent.

3. Sh. Manjit Kaur, DSSO, Fazilka appears and states that she has brought the information today in the Commission. Copy of the same is handed over to the appellant. She further states that she joined on 30.10.2018 as DSSO, Fazilka and Sh. Harbhajan Singh, Clerk was the dealing clerk, who has not intimated her about the date of hearing that is why she has not attended the hearing in the Commission.

4. After going through the information, the appellant states that he is satisfied with the information provided but it has been provided very late. Therefore, he should be compensated for the harassment suffered by him in getting the information.

5. The perusal of the file and the conduct of the respondent have proved that the PIO has not performed his duty as mandated by the RTI regime, which shows that he has no regard for the orders issued by the Commission and respect

Contd...p-2

for the law which has been passed for ensuring transparency & accountability. Disregard of the law of the land is intolerable and he is not only delaying the information to the appellant but is making mockery of it which needs to be condemned. Such kind of behavior of a Government employee needs to be condemned and such employees need to be taught a good lesson so that rest of the employees have a right kind of message to wake up and perform their duties under the RTI Act for ensuring complete transparency and due accountability in the governance affairs of the public authorities.

6. The perusal of the record reveals that in this case, the appellant has tried his best to get the information from the PIO who failed to provide the information to the applicant. He has been made to run from pillar to post for getting the information, which he could not get even after the notice was issued by the Commission in the second appeal. He has suffered unnecessary detriments/harassment in getting the information at the hands of the PIO.

7. I have also looked into all the facts and circumstances of the case. In my view this is a fit case, where award of compensation under Section 19 (8) (b) is also called for. I have no doubt in my mind that this state of affairs has also come about on account of the absence of adequate machinery for handling the RTI work in the o/o **DSSO, Fazilka** is thus, responsible for the inadequate handling of the RTI requests and in the instant case as well. **I, therefore, order that compensation of Rs. 3,000/- (Rs. Three thousand only)** be paid to the appellant for the detriments suffered by him. This amount shall be payable from the funds of the o/o **DSSO, Fazilka** to the appellant within one month.

8. The PIO states that she is ready to pay the compensation to the appellant today in the Commission by cash. She has paid the amount of Rs. 3000/- to the appellant, with which the appellant is satisfied and states that this case may please be closed. The respondent is warned to be careful in future while dealing with the RTI applications.

cases, any instructions/directions given by the Commission. The PIO is also directed to take disciplinary action against Sh. Harbhajan Singh who has not dealt with the RTI application properly and compliance report be submitted, in the Commission.

9. In view of the above, no further cause of action is left in the instant Appeal Case, which is hereby, **disposed of and closed**. Copies of the order be sent to the parties.

**Chandigarh
13.12.2018**

Sd/-
**(Prof. Viney Kapoor Mehra)
State Information Commissioner**

CC: Sh. Mukesh Gautam, DSSO, Hoshiarpur. (Regd.Post)

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Sh. D.C.Gupta, IDAS(Retd),
778, Urban Estate, Phase-1,
Patiala.

...Complainant

Versus

Public Information Officer
O/o SOS,
Children Village, Rajpura,
Patiala.

...Respondent

COMPLAINT CASE NO. 384 OF 2018

PRESENT: None for the parties.

ORDER:

This order may be read with reference to the previous order dated 15.11.2018.

2. A letter has been received from the complainant in the Commission vide diary no. 24758 dated 10.12.2018 mentioning therein that the information regarding point no. 2, 4 and 5 has not been supplied to him by the respondent.

3. Neither the PIO nor his representative is present for today's hearing.

4. The respondent is directed to remove the deficiencies as pointed out by the complainant, before the next date of hearing and should personally appear on the next date of hearing, failing which action under Section 20(1) of the RTI Act, 2005 will be initiated.

5. Last opportunity is given to the complainant to follow up his case in the Commission, failing which decision shall be taken on merits.

6. The matter to come up for further hearing now on **07.02.2019 at 11.30AM**. Copies of the order be sent to the parties.

Sd/-

Chandigarh
13.12.2018

(Prof. Viney Kapoor Mehra)
State Information Commissioner

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Sh. Tarsem Singh,
S/o Sh. Puran Singh,
Village & P.O: Khanpur,
Tehsil Baba Bakala, Distt:Amritsar.

Appellant

Versus

Public Information Officer,
o/o District Social Security Officer,
24, Majitha Road, Amritsar.

First Appellate Authority
o/o District Social Security Officer,
24, Majitha Road, Amritsar.

Respondent

Appeal CASE NO. 341 OF 2018

PRESENT: (i) Sh. Tarsem Singh, the appellant.
(ii) Smt. Satinder Kaur, Sr. Assistant on behalf of the respondent.

ORDER:

This order may be read with reference to the previous order dated 14.11.2018.

2. The appellant states that till today, complete information has not been provided to him by the respondent.

3. The respondent states that the information which was available in their record has been supplied to the appellant and rest of the information relating to the period of 07/13 to 09/14 is pending, which is not traceable in their official record and the same information is also lying with the BDPO, Rayya. A letter dated 04.12.2018 has already been written to the BDPO, Rayya to provide the same, so that the information can be provided to the appellant but till today, no reply has been received from him.

4. Last opportunity is given to Sh. N.S.Pannu, PIO to appear personally and file an affidavit that the information which was available in their official record stands supplied and nothing is pending, on the next date of hearing. The First Appellate Authority is also directed to appear personally, on the next date of hearing.

Contd...p-2

5. The Block Development and Panchayat Officer, Rayya is also directed to appear personally on the next date of hearing alongwith the original record pertaining to the year 07/13 to 09/14, failing which action under Section 20(1) of the RTI Act, 2005 will be initiated.

6. The matter to come up for further hearing now on **24.01.2019 at 11.30AM**. Copies of the order be sent to the parties.

Sd/-

Chandigarh
13.12.2018

(Prof. Viney Kapoor Mehra)
State Information Commissioner

Through registered post

CC: Block Development and Panchayat officer, Rayya (By Name)

