**PUNJAB STATE INFORMATION COMMISSION**

**RED CORSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGARH**

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Sh. Paramjeet Singh,

S/o Sh. Nath Singh,

R/o Village Faizulapur,Shamshpur,

Tehsil- Amloh, Distt. Fatehgarh Sahib. Appellant

Versus

Public Information Officer,

O/o Block Development and Panchayat Officer,

Amloh, Fatehgarh Sahib.

First Appellate Authority,

O/o Block Development and Panchayat Officer,

Amloh, Fatehgarh Sahib. Respondents

**Appeal Case No.2286/2018**

Date of RTI application: 12.04.2017

Date of First Appeal : 01.11.2017

Date of Order of FAA or Reply: Nil

Date of 2nd Appeal/complaint: 02.07.2018

**Present: Sh. Paramjeet Singh - Appellant.**

1. **Sh. Balkar Singh, Superintendent, BDPO Office, Amloh,**
2. **Sh. Rajinder Kumar, PIO – cum – Panchayat Secretary – for Respondents.**

**ORDER**

The following order was passed by the Commission on 04.09.2018:

*“The original application had been filed by the appellant to the Block Dev. & Panchayat Officer, Amloh seeking information concerning the auction of the panchayati land from the year 2014 to 2017 and the connected information thereto.*

*The Block Dev. & Panchayat Officer, Amloh had duly forwarded the application to the Panchayat Secretary of village Faizulapur, Tehsil Amloh under Section 6(3) and 5(4) of the RTI Act. The onus obviously as PIO has shifted on the Panchayat Secretary. He seems to have shown scant respect to the provisions of the Act. He is absent. Nothing has been heard from him also.*

*Apparently he is liable for the penalty under Section 20(1) of the Act. Accordingly,   
Sh. Rajinder Kumar, PIO – cum – Panchayat Secretary, Faizulapur is issued a show cause notice to explain in a self- attested affidavit as to why a penalty @ Rs.250/- per day of delay subject to Contd…page…2*

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*maximum of Rs.25,000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on him for causing willful delay / denial of the information to the RTI applicant and why the compensation be not awarded to the Appellant under Section 19 (8) (b) of the Act for the detriment suffered by him.*

*In addition to the written reply, the PIO is also given an opportunity under Section 20(1) proviso thereto, for a personal hearing before the imposition of such penalty on the next date of hearing. He may take note that in case he does not file his written reply and does not avail himself of the opportunity of personal hearing on the date fixed, it will be presumed that he has nothing to say and the Commission shall proceed to take further proceedings against him ex parte.”*

The case has come up today. The respondents are present. Sh. Rajinder Singh, PIO – cum – Panchayat Secretary, Gram Panchayat Fazoolapur, Block Amloh has brought along the information which has been handed over on spot to the appellant. He further says that as the appellant had refused to accept it by hand it was sent across through a registered cover as well. The respondent further says that he has been refusing to accept the information due to his rivalry with the village sarpanch.

Be that as it is, the PIO has failed to explain and justify the inordinate delay and his culpability is established. The deemed PIO is a low paid employee and seemingly unaware of the consequences. The Commission further observes that the Panchayat has insignificant land and there is hardly much to hide or conceal. But that does not entitle the respondent to sit over the application. The delay is substantial and more than 100 days. Exercising its authority under Section 20(1) of the RTI Act and taking the extenuating factors in view, The Commission imposes a penalty

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of Rs.5,000/- (Rupees Five Thousand only) in lump sum on Sh. Rajinder Kumar, PIO – cum – Panchayat Secretary, Gram Panchayat Fazoolapur, Block Amloh which shall be recovered from his salary in two equal instalments commencing from the month of October, 2018.

The Drawing & Disbursing Officer shall ensure that the amount of penalty is deposited in the government treasury under head given below:

- 0070-Other Administrative Services

- 60 Other Services

- 800 Other Receipts

- 86 Fee under RTI Act, 2005

A copy of the challan shall be sent to the Commission for record before the next date of hearing positively.

The appellant has been pursuing the matter relentlessly with various authorities. He is accordingly awarded a compensation of Rs.2,000/- (Rupees Two Thousand only) under Section 19(8) (b) of the RTI Act for the detriment suffered by him. The public authority will compensate the appellant out of its own funds.

To come up for reporting compliance of the order on **13.12.2018 at 11.30 AM.**

**Sd/-**

**20.09.2018** **(Yashvir Mahajan)**

**State Information Commissioner**

**CC: Sh. Rajinder Kumar, PIO – cum – Panchayat Secretary, Gram Panchayat Fazoolapur, Block Amloh, O/o Block Dev. & Panchayat Officer, Amloh, for n/a.**

**CC: The Block Development & Panchayat Officer, Amloh, Distt. Fatehgarh Sahib, for n/a.**