**PUNJAB STATE INFORMATION COMMISSION**

 **Red Cross Bhawan, Near Rose Garden, Madhya Marg,**

**Sector: 16, Chandigarh.**

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Shri Jasbir Singh,

Village:Bholapur Jhabewal,

P.O:Ramgarh, Distt:Ludhiana. --------Appellant

  **Vs.**

Public Information Officer

O/o District Transport Officer, Faridkot.

First Appellate Authority

o/o State Transport Commissioner,

Punjab, Sector: 17, Chandigarh. -------Respondents

 **Appeal Case No. 2483 of 2016**

Present:- None for the appellant.

 Shri Amritpal Singh, Junior Assistant, on behalf of the respondents.

**ORDER**

 Since the instant appeal case has dragged on for some time, it would be prudent to recapitulate the facts of the case in brief, before pronouncing the decision. In; this case, the appellant filed an RTI application on 07.03.2016 with the PIO-cum-District Transport Officer, Faridkot for seeking information regarding fees deposited in the account of Board of Inspection during the months of November, 2015, December,2015, January, 2016 and February, 2016 alongwith certified copies of receipts issued. On receiving no information, he filed First Appeal with the First Appellate Authority on

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19.04.2016 and again on getting no information filed Second Appeal with the

Commission on 26.07.2016 and accordingly, a Notice of Hearing was issued to the concerned parties for 10.10.2016.

2. This case has earlier been heard on 10.10.2016, 02.11.2016, 05.12.2016, 30.01.2017, 28.03.2017, 26.04.2017, 06.06.2017, 05.09.2017.

3. On 10.10.2016, none was present on behalf of the respondents without any intimation nor the requisite information was supplied to the appellant. Viewing the callous attitude of the PIO, Shri Hardeep Singh, DTO-cum-PIO, Faridkot was issued a Show-Cause Notice for imposition of penalty upon him and awarding of suitable compensation to the appellant due to non-supply of requisite information to the appellant since 07.03.2016. . The case was adjourned to 02.11.2016.

4. On 02.11.2016, since none was present on behalf of the respondents nor reply to the Show-Cause Notice was filed by the PIO, one more opportunity was afforded to the PIO to supply the information to the appellant and submit reply to the Show-Cause Notice issued to him. The case was adjourned to 05.12.2016.

5. On 05.12.2016 again, none was present on behalf of the respondents nor

reply to the Show-Cause Notice was filed by the PIO. Accordingly, one last opportunity

was afforded to the PIO to appear before the Commission to explain the position of the case and submit reply to the Show-Cause Notice. The case was adjourned to

11.01.2017, which was further postponed to 30.01.2017 due to certain administrative

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reasons.

6. On 30.01.2017 again, none was present on behalf of the respondents

despite issuance of directions to the PIO by the First Appellate Authority. Viewing the

disobedience of the orders of the Commission by the PIO seriously and at the same time taking a lenient view, another opportunity was afforded to him to submit reply to the Show-Cause Notice and avail an opportunity of personal hearing. The case was adjourned to 28.02.2017, which was further postponed to 28.03.2017, due to certain administrative reasons.

7. On 28.03.2017 again, none was present on behalf of the respondents. However, a telephonic message was received from Shri Hardeep Singh, DTO-cum-PIO, Faridkot informing that the sought information related to Motor Vehicle Inspector, Faridkot who was repeatedly directed in writing to supply the requisite information to the appellant. It was also informed by him that later on he had been deputed on election duty during elections of Punjab Vidhan Sabha and could not follow up the case. He **assured that the requisite information would be supplied to the appellant before the next date of hearing and he would appear before the Commission on the next date of hearing to explain the position of the case.** Accordingly, **one last opportunity** was afforded to him to submit reply to the Show-Cause Notice issued to

him on 10.10.2016 and avail himself an opportunity of personal hearing in the interest of principle of natural justice. The case was adjourned to 26.04.2017.

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8. On 26.04.2017, despite the assurance given by him on telephone on

28.03.2017 and issuance of a letter No. 16689-90, dated 19.04.2017 from the First

Appellate Authority-cum-Secretary, Regional Transport Authority(Head Office), Chandigarh to attend the hearing, he was again not present without any intimation.

 However, Shri Gurmeet Singh, Motor Vehicle Inspector, Faridkot, appeared on behalf of the respondents, who informed that requisite information had been supplied to the appellant vide letter No. 0014/MVI-Fdk. Dated 18.01.2017. Accordingly, the appellant was directed to send his observations, if any, to the PIO, with a copy to the Commission. The respondent further informed that he had brought Bank Draft for Rs. 2500/- as compensation amount, for handing over to the appellant. However, a perusal of the case file revealed that no compensation had ever been awarded to the appellant in this case. Accordingly, he was directed to clarify this fact on the next date of hearing. Besides, It was noted with concern that despite the issuance of Show-Cause Notice to Shri Hardeep Singh, DTO, Faridkot on 10.10.2016, he had not submitted his reply to the Show-Cause Notice till date nor he had appeared during any of the 6 hearings held so far in this case. Inspite of the callous and lackadaisical attitude adopted by the PIO-cum-DTO, Faridkot as stated above, again taking a lenient view, one more opportunity

was afforded to him to submit his reply to the Show-Cause Notice and avail of an opportunity of personal hearing on the next date of hearing, failing which action for

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imposing penalty would be taken ex-parte. The case was adjourned to 06.06.2017.

9. On 06.06.2017, the appellant submitted that he did not want

information as a period of 455 days had passed and the purpose of seeking information

in this case had been defeated. He informed that a Demand Draft dated 18.01.2017 for Rs. 2500/- as compensation amount, had been sent to him by the Public Authority whereas no compensation had been awarded to him by the Commission in this case so

far. He requested that a penalty of Rs. 25,000/- might be imposed upon the PIO for the delay in the supply of information and he might be compensated for the loss and detriment suffered by him during this long period of 455 days.

10. Shri Hardeep Singh, DTO-cum-SDM, Faridkot, who was present, submitted that the information had been sent to the appellant by registered post on 18.01.2017. He further submitted that he had been given the additional charge of the post of SDM, Faridkot due to which he could not pursue the case properly as the sought information related to MVI Faridkot, who had not supplied the information despite issuing umpteen reminders to him, thus causing a huge delay in the supply of information.

11. After hearing both the parties, DTO Faridkot was directed to make an

inquiry as to how a Demand Draft for Rs. 2500/- as compensation amount had been issued to the appellant when no compensation had been awarded by the Commission

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in this case and submit a report. He was also directed to submit a detailed reply giving reasons, sequence-wise, for the delay in the supply of information, before the next date

of hearing. He was also directed to intimate as to what action he had taken against

the MVI for willfully disobeying his orders. The case was adjourned to 09.08.2017, which was further postponed to 05.09.2017 due to certain administrative reasons.

12. On 05.09.2017, a letter No. 28816, dated 14.08.2017 was received from First Appellate Authority-cum-Secretary Regional Transport Authority(Head Office), Chandigarh vide which PIO-cum-DTO was directed to attend the hearing on 05.09.2017, in person, in the Commission. Despite these directions, none was present on behalf of PIO-cum-DTO, Faridkot. However, a letter No. 4793, dated 01.08.2017 was received from the present DTO, Faridkot informing that Shri Hardip Singh, the then DTO, Faridkot had been transferred and posted as Secretary, Regional Transport Authority, Ferozepur and he had been asked vide letter No. 4791, dated 01.08.2017 to submit reply to the Show-Cause Notice issued to him by the Commission. It was further informed by the present DTO, Faridkot that Bank Draft for Rs. 2500/- as compensation amount was meant for the same complainant i.e. Shri Jasbir Singh in CC-428/2016 and had been inadvertently sent in the present case by the MVI Faridkot.

13. During hearing, It came to the notice of the Commission that Shri Hardip Singh, the then DTO Faridkot, who was transferred and posted as Regional Transport

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Ferozepur, had again been transferred and posted as Regional Transport Authority, Faridkot. Besides, it was noted with concern that on the last date of hearing Shri Hardip Singh, the then DTO, Faridkot was directed to submit a detailed reply giving

reasons, sequence-wise, for the delay in the supply of information, before the next date

of hearing. He was also directed to intimate as to what action he had taken against the MVI for willfully disobeying his written orders but again neither Shri Hardip Singh, the then DTO, Faridkot(Now Regional Transport Authority, Faridkot), was present nor any response had been received from him. Since he had again been transferred and posted as Secretary, Regional Transport Authority, Faridkot, **one more last opportunity** was afforded to him to submit his response and avail of an opportunity of personal hearing, in the interest of natural justice, failing which action for imposing penalty would be taken, ex-parte. The case was adjourned to 10.10.2017, which was further postponed to 01.11.2017 and then for today, due to certain administrative reasons.

14. Today again, Shri Hardip Singh, the then DTO Faridkot(Now Regional Transport Authority Faridkot) is not present. However, Shri Amritpal Singh, Junior Assistant, appearing on behalf of the respondents, submits reply to the Show-Cause Notice from him in which he has narrated the position of the case. It is amply clear that

he has chosen not to avail an opportunity of personal hearing which has been afforded to him umpteen times.

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15. The facts narrated above clearly reveal that the information was sought by the appellant vide his RTI application dated 07.03.2016 and the information was supplied on 18.01.2017. A Show-Cause Notice was issued to Shri Hardip Singh, the

then DTO Faridkot on 10.10.2016 for the imposition of penalty upon him and awarding

of compensation to the appellant for the loss and detriment suffered by him and its reply has been received only today, which is not convincing at all. There is a delay of more than 10 months in the supply of information to the appellant and a delay of more than 14 months in the submission of reply to the Show Cause Notice, which is definitely on a high side and cannot be given a go by. More-over, he has chosen not to avail of an opportunity of personal hearing afforded to him a number of times. Also, he has put the blame for the delay in the supply of information on the MVI but has taken no action against him. Besides, the respondent PIO seems totally unmindful and indifferent to the orders issued by the Commission on umpteen occasions and openly defied them. Thus the Commission draws the inference that the PIO, without any reasonable cause, has malafidely delayed the information to the appellant and also delayed the submission of reply to the Show-Cause Notice issued to him and thus has rendered himself liable for punishment as provided under the RTI Act, 2005. Though he was given a number of opportunities to explain his conduct in connection with the Show-Cause Notice issued to him under Section 20(1) of the Act ibid, he failed to come out with a satisfactory reply.

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In these circumstances, Shri Hardip Singh, Regional Transport Authority, Faridkot(the then DTO-cum-PIO, Faridkot) is held guilty of default on the above score. The facts of this case also prove beyond any doubt that the respondent PIO concerned does not deserve any kind of leniency. Hence, in exercise of the powers conferred by Section

20(1) of the RTI Act, 2005, a penalty to the tune of Rs. 25,000/- (Rupees Twenty Five Thousand only) is imposed upon Shri Hardip Singh, Regional Transport Authority, Faridkot( the then DTO Faridkot) to be deducted from his salary for the months of March, 2018 and April, 2018 at the rate of Rs. 12,500/- each and is to be deposited in the State Treasury under the following head:-

 - 0070-Other Administrative Services

 - 60 Other Services

 - 800 Other Receipts

 - 86 Fee under RTI Act, 2005

An attested copy of the receipt Challan is also directed to be presented to the Commission on the next date of hearing. Besides, in exercise of the powers conferred by Section 19(8)(b) of the RTI Act, 2005, a compensation of Rs. 5,000/-(Rupees five thousand only) is awarded to Shri Jasbir Singh, Appellant, for the loss and detriment suffered by him during this long period, to be paid by the Public Authority through a

Bank Draft, within 30 days and a confirmation to this effect will be furnished to the Commission on the next date of hearing.

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16. A copy each of the order is forwarded to Principal Secretary, Transport and State Transport Commissioner, Punjab, Chandigarh to ensure the compliance of the orders.

17. To come up on **14.05.2018 at 11.30 A.M. for confirmation of compliance of orders.**

  **Sd/-**

**Dated : 20.12.2017 ( S.S. Channy)**

 **Chief Information Commissioner Punjab**

**CC: Principal Secretary Transport, REGISTERED**

 **Punjab Civil Secretariat-2,**

 **Sector: 9, Chandigarh.**

 **State Transport Commissioner, REGISTERED**

 **Punjab, Sector: 17, Chandigarh.**

 **Shri Hardip Singh, REGISTERED**

 **Secretary, Regional Transport Authority,**

 **Faridkot.**