



Sh Vinod Kumar, S/o Sh Mulkh Raj,
70, Shingar Avenue, Opposite Post Office,
Chheharta, Amritsar.

... Complainant

Versus

Public Information Officer,
O/o Director,
Social Security Women & child Welfare,
Pb, Chandigarh.

...Respondent

Complaint Case No. 260 of 2021

PRESENT: Sh.Vinod Kumar as the Appellant
Ms. Indu Bala, APIO for the Respondent

ORDER:

The complainant through the RTI application dated 26.08.2020 has sought information regarding details of the total number of posts of Senior Assistants & Superintendents from the year 1996-97 to 2010-11 and the posts filled year wise and other information as enumerated in the RTI application concerning the office of Director, Social Security Women & Child Welfare, Pb Chandigarh. The PIO denied the information to the complainant vide letter dated 09.09.2020 stating that the information sought is creative and it cannot be provided. Thereafter the complainant filed a complaint in the Commission on 02.03.2021.

The case first came up for hearing on 12.07.2021 through video conferencing at DAC Amritsar. The complainant claimed that the PIO has not supplied the information.

The respondent was absent without any legitimate reasons for the absence. The PIO had refused the information on the grounds that it is 'creative information.' It was observed that this is an absurd term to use, and prima facie the PIO had not applied his/her mind in understanding the scope of information required and sent an arbitrary reply denying the information by claiming that it is creative. The Commission had taken a serious view of this, and issued a **show-cause notice to the PIO under Section 20 of the RTI Act 2005 for denial of information on flimsy grounds and not supplying the information within the statutorily prescribed period of time. The PIO was directed to file a reply on an affidavit in this regard**

On the date of the last hearing on **11.11.2021**, the PIO was absent nor had sent any reply to the show cause notice, as well as not provided the information. There was clear dereliction in handling the RTI application and there has been a delay of more than one year and three months in providing the information.

Since the responsibility to ensure the timely transmission of the information to the appellant lies on the PIO, and as per respondent, Sh.Charanjit Singh Mann is the PIO, a penalty of **Rs.10,000/-** was imposed on Sh.Charanjit Singh Mann-PIO-O/o Director, Social Security Women & Child Welfare, Pb with the direction to produce a copy of the challan as evidence of depositing the penalty in the Govt Treasury.

The PIO- Director, Social Security Women & Child Welfare was also directed to pay an amount of **Rs.5,000/-** via demand draft as compensation to the appellant for the loss and detriment suffered by him of having to file the appeals and not getting information in time and submit proof of having compensated the appellant.

Complaint Case No. 260 of 2021

On the date of last hearing on **20.04.2022**, the appellant claimed that the PIO has not provided the compensation amount.

The respondent present requested for review of the order of penalty.

The case was adjourned with the direction for compliance of the order by the PIO.

Hearing dated 27.12.2022:

The case has come up for hearing today through video conferencing at DAC Amritsar. As per the appellant, the PIO has not paid the compensation amount.

To come up for compliance on **11.01.2023 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Amritsar. The PIO to appear at Chandigarh.

Chandigarh
Dated: 27.12.2022

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh Ramesh Kumar, S/o Late Sh Amarnath,
H NO-U-1652, Sardar Nagar,
Opp Old Central Jail, Ajnala Road,
Amritsar.

... Appellant

Versus

Public Information Officer,
O/o Bureau of Investigation, Pb
Sector-9, Chandigarh.

First Appellate Authority,
O/o Bureau of Investigation, Pb
Sector-9, Chandigarh.

...Respondent

Appeal Case No. 3514 of 2021

PRESENT: None for as the Appellant
Sh.Ram Parsad, Sr.Assistant for the Respondent

ORDER:

The appellant, through an RTI application dated 18.06.2021 has sought information regarding a copy of the reply received from IGP Border Range, Amritsar in reference to Memo Number 2901/CC-1 dated 30.12.2020 – a copy of reply forwarded to the office of DGP in reference to that memo on the basis of which information/status report was called from the office of PIO as enumerated in the RTI application from the office of Bureau of Investigation, Pb Chandigarh. The appellant was not provided with the information after which the appellant filed the first appeal before the First Appellate Authority on 10.07.2021 which did not decide on the appeal.

The case first came up for hearing on 23.02.2022 through video conferencing at DAC Amritsar/ Chandigarh. The appellant claimed that the PIO has not supplied the information.

The respondent was absent. The PIO was directed to provide information to the appellant within 15 days and send a compliance report to the Commission.

On the date of last hearing on **09.05.2022**, the respondents present pleaded that the reply has been sent to the appellant vide letter dated 12.01.2022.

The Commission received a letter of the AIGP(Admn) O/o BOI on 11.03.2022 which has been taken on record. In the reply, it was mentioned that the appellant had filed a number of complaints in their office which were sent to IGP Border Range, Amritsar for further action and the reply with detail of complaints was sent to the appellant vide letter dated 12.01.2022. The PIO further mentioned in the letter that in reference to letter No.2901 dated 30.12.2020 of this office, the reply was received from IGP Border Range Amritsar on 31.05.2021 and in response to their letter/reply, this office sent a reply to the IGP Border Range Amritsar on 18.06.2021 that after considering the report, the complaint has been filed and being sent for further necessary action as per the report. The appellant was sent a reply on 12.01.2022.

The appellant was not satisfied with the provided information.

Hearing both the parties, the PIO was directed to reconcile and provide complete information to the appellant.

Appeal Case No. 3514 of 2021

On the date of last hearing on **21.09.2022**, the appellant claimed that the PIO has not supplied the correct information. The Commission also received a letter of the appellant on 16.08.2022, which was taken on record.

The respondent present sought adjournment on the plea that the PIO is going on leave.

Having gone through the RTI application and the letter of the appellant received in the Commission on 16.08.2022, the Commission observed that the appellant had filed a complaint before the DGP against IGP Border Range, SSP Amritsar Rural, SHO PS Raja Sansi, and Bureau of Investigation Punjab.

The office of DGP Pb forwarded the said complaint to the Bureau of Investigation (BOI), and in turn, the BOI vide memo dated 30.12.2020 forwarded the complaint to IGP Border Range Amritsar and asked for a report with comments/status regarding a cancellation report.

What the appellant basically has sought are the comments/report of IGP Border Range sent to BOI Punjab, and further, the reply of the BOI sent to the office of DGP Punjab.

The PIO was directed to provide the copy of the comments/report of IGP Border Range received by the office of Bureau of Investigation Pb and the copy of the reply forwarded by Bureau of Investigation to the office of DGP Punjab

The information be provided at the earliest and a compliance report be sent to the Commission.

Hearing dated 27.12.2022:

The case has come up for hearing today through video conferencing at DAC Amritsar. The appellant is absent and vide email has informed that the PIO has not supplied the information.

The respondent present has sought adjournment on the plea that the PIO is on leave.

The case is adjourned. To come up for further hearing on **27.02.2023** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Amritsar. The PIO to appear at Chandigarh.

Chandigarh
Dated: 27.12.2022

Sd/-
(Khushwant Singh)
State Information Commissioner