

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,
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Sh. Gurdeep Singh,
S/o Sh. Ghan Singh,
P.O: Ambedkar Gram Sabha, Burj,
Mansa, Tehsil: Maur,
Distt: Bathinda.

.....Appellant

Vs

Public Information Officer,
Block Development and Panchayat Officer, Maur,
District- Bathinda.

.....Respondent

Complaint Case No. 608 of 2019 (Video Conference Proceeding)

Present:- Shri Gurdeep Singh, complainant.
None on behalf of the respondent-PIO.

ORDER

This order may be read with reference to the previous order dated 03.10.2019, vide which the absence of the respondents was viewed seriously and the PIO was directed to supply reply to the information-seeker under the provisions of RTI Act, 2005.

2. The appellant states that no information has been provided to him after the previous hearing held on 03.10.2019.

3. None was present on behalf of the respondents on 06.09.2019, 03.10.2019 and today without intimation.

4. The perusal of the file and the conduct of Shri Gurteq Singh, Block Development and Panchayat Officer, Maur, District Bathinda compelled the Commission to issue him a formal show cause notice as to why action under Section 20(1) of the RTI Act 2005 should not be taken against him and he was also provided an opportunity to file his written reply and also make use of this opportunity of personal hearing under the principles of natural justice.

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5. Since the responsibility to ensure the timely transmission of the information to the appellant lies on the PIO-Shri Gurteg Singh, Block Development and Panchayats Officer, Maur, District Bathinda is hereby held responsible for not providing the information on time as prescribed under Section 7, which is within 30 days of the receipt of the request, and for repeated and willful defiance of the Commission's order.

6. It has been further established from his conduct that he has failed to provide the information even after the issue of formal show cause notice from the Commission. This speaks volumes as to how much respect & regard he has in his mind for the provisions of the RTI Act, which mandates that all public authorities will ensure that the RTI Act, 2005 is duly implemented by them. In view of the facts mentioned herein, I am of the considered view that Shri Gurteg Singh, PIO should be penalised for his negligence in discharge of his statutory duty prescribed under the RTI Act. His past and present conduct in this case makes the Commission believe that his sheer neglect to perform his duties will improve only after he is duly taken to task.

7. After giving thoughtful consideration and due perusal of the facts of the case and as per record on file, I have come to the conclusion that Shri Gurteg Singh has failed to perform his duty as per the mandate of the RTI Act which requires the public servant to ensure due transparency and accountability in its functioning. It has also come out that he has not only failed to perform his duty at his own level but also has shown his casual approach in complying with the explicit order of the Commission.

8. Under these circumstances, I am left with no other option but to decide the question of imposition of penalty and quantum thereof upon Shri Gurteg Singh -PIO as per the provisions of the RTI Act i.e Section 20(1) which provides that any delay on the part of the respondent-PIO beyond 30 days is to be penalized @ 250/- per day and to the maximum of Rs. 25000/-. In this case the intervening period is too large, the respondent-PIO failed to comply with the order of the Commission. Accordingly, a penalty of Rs.5000/- (Rupees Five thousand only) is imposed on him.

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9. The amount of penalty i.e. Rs.5000/- should be deducted from his salary in six equal monthly installments and be deposited in the Government treasury under head "**0070-Other Administrative Services-60-Other Services-800-Other Receipts-86-Fees under the Right to Information Act.** The District Development and Panchayats Officer, Bhatinda shall ensure that this amount of penalty is deducted from the salary of the above said defaulting officer from the month of November, 2019 and deposited in the Treasury under the relevant head and sent compliance report to the Commission.

10. To come up on **20.11.2019** at **3.30 P.M.** through Video Conference Facility available in the office of the Deputy Commissioner, Bathinda.

Dated 29.10.2019

Sd/-
(Suresh Arora)
Chief Information Commissioner,
Punjab.

CC

Shri Gurteg Singh,
Block Development and Panchayats Officer,
Maur, District Bathinda.

(Regd.)

The District Development and Panchayats Officer,
Bathinda (By name)

The Deputy Commissioner,
Bathinda (By name)

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Sh. Hari Singh,
S/o Sh. Harbans Singh,
VPO: Tara Singh, Wan,
Tehsil: Patti,
District- Tarn Taran.Appellant

Vs

Public Information Officer,
District Development and Panchayat Officer,
District- Tarn Taran.

First Appellate Authority,
Additional Deputy Commissioner (Development),
District- Tarn Taran.Respondents.

Appeal Case No. 2585 of 2019 (Video Conference Proceeding)

Present:- Shri Hari Singh, appellant at Tarntaran.
None on behalf of the respondents at Tarn Taran.

ORDER

In compliance to the previous order dated 26.09.2019 the appellant submitted deficiencies in the information so received by him vide his letter dated 23.10.2019.

2. Shri Ranjit Singh, Junior Engineer o/o Block Development and Panchayats Officer, Valtoha, District Tarntaran informed the office that he is busy in celebration of 550th Birth Anniversary of Guru Nanak Dev Ji.

3. In view of the respondent-PIO's duty on celebration of 550th Birth Anniversary of Guru Nanak Dev Ji, he is exempted from appearance today. Last opportunity is given to Shri Ranjit Singh, Junior Engineer to remove the deficiencies

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(copy enclosed) sent by the appellant before the next date of hearing, which is fixed for 20.11.2019.

4. To come up on **20.11.2019** at **11.00 A.M.** through Video Conference Facility available in the office of the Deputy Commissioner, Tarn Taran for further proceedings in the matter.

Dated 29.10.2019

Sd/-
(Suresh Arora)
Chief Information Commissioner,
Punjab.

CC

Shri Ranjit Singh,
Junior Engineer,
o/o Block Development and Panchayats Officer,
Valtoha, District Tarantaran.

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Sh. Hari Singh,
S/o Sh. Harbans Singh,
VPO: Tara Singh, Wan,
Tehsil: Patti,
District- Tarn Taran.

.....Appellant
Vs

Public Information Officer,
District Development and Panchayat Officer,
District- Tarn Taran.

First Appellate Authority,
Additional Deputy Commissioner (Development),
District- Tarn Taran.

.....Respondents

Appeal Case .No. 2617 of 2019 **(Through Video Conference Proceedings)**

Present:- Shri Hari Singh, appellant.

None on behalf of the respondents at Tarn Taran.

ORDER

In compliance to the previous order dated 26.09.2019 the appellant submitted deficiencies in the information so received by him vide his letter dated 23.10.2019.

2. Shri Paramjit Singh, Panchayat Secretary informed the office that he is busy in celebration of 550th Birth Anniversary of Guru Nanak Dev Ji.

3. In view of the respondent-PIO's duty on celebration of 550th Birth Anniversary of Guru Nanak Dev Ji, he is exempted from appearance today. Last opportunity is given to Shri Paramajit Singh, Panchayat Secretary to remove the

Contd.....p/2

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deficiencies (copy enclosed) sent by the appellant before the next date of hearing, which is fixed for 20.11.2019.

4. To come up on **20.11.2019** at **11.00 A.M.** through Video Conference Facility available in the office of the Deputy Commissioner, Tarn Taran for further proceedings in the matter.

Dated 29.10.2019

Sd/-
(Suresh Arora)
Chief Information Commissioner,
Punjab.

CC

Shri Paramjit Singh,
Panchayats Secretary,
o/o Block Development and Panchayats Officer,
Valtoha, District Tarn Taran.

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Sh. Booti Ram,
S/o Sh. Diwan Chand, Nabha Road,
Near Sohrab Public School,
Village- Ahmedabad, Malerkotla,
District-Sangrur.

.....Appellant

Vs

Public Information Officer,
O/o Block Development and Panchayat Officer,
Malerkotla,
Distt: Sangrur.

First Appellate Authority
O/o Deputy Commissioner,
Distt: Sangrur.

PIO/Sub Divisional Magistrate,
Malerkotla.

.....Respondents

Appeal Case No. 3165 of 2019
(Through Video Conference Proceedings)

Present:- Shri Booti Ram at Chandigarh..
Shri Joginder Singh, PIO, on behalf of the respondents

ORDER

This order may be read with reference to the previous order dated 26.09.2019 vide which the respondents were directed to send information brought by him to be handed over to the appellant, who was available at Chandigarh.

2. The respondents sent the information to the appellant through registered post. He further states that complete information has been provided to him except for points at Sr. No.3 and 5 which does not relate to their office but relates to Sub Divisional Magistrate, Malerkotla-cum-Returning Officer.

Contd.....p/2

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3. The appellant shows information supplied by the respondents for perusal of the Commission.

4. After comparing the information supplied by the respondents with the information sought by the appellant, it is found that information concerning result of Panchayat Elections and copies of the forms of winning candidates is left to be supplied. The representative of the respondents states that this information is available with the office of Sub Divisional Magistrate-cum-Returning Officer, Malerkotla. He is directed to transfer the application of the appellant to the concerned office under Section 6(3) of the RTI Act, 2005 for supplying the same. Sub Divisional Magistrate-cum-Returning Officer, Malerkotla is impleaded as a necessary party with the direction to take appropriate decision regarding the information before the next date of hearing, which is fixed for 20.11.2019.

5. To come up on 20.11.2019 at 3.30 P.M. to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Sangrur.

Dated 29.10.2019

Sd/-
(Suresh Arora)
Chief Information Commissioner,
Punjab.

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Sh Jasbeer Singh Sekhon,
S/o Late S. Kartar Singh,
Village-Tandi, PO Laroya,
Distt.- Jalandhar.

.....Appellant

Vs

Shri Paramjit Singh,
Public Information Officer-cum-Panchayat Secretary,
o/o Block Development and Panchayats Officer,
Bhogpur, Distt.- Jalandhar.

First Appellate Authority,
O/o Block Development and Panchayat Officer,
Bhogpur, District- Jalandhar.

.....Respondents.

Appeal Case No. 3233 of 2019
(Through Video Conference Facility)

Present:- Shri Jasbeer Singh Sekhon, appellant.

Shri Paramjit Singh, Panchayat Secretary, on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 11.10.2019 vide which the Shri Jagdish Chander, Development Assistant stated that information has been prepared by Shri Paramjit Singh, PIO-cum-Panchayat Secretary and will be supplied to the appellant through registered post.

2. The appellant states that no information till date has been received by him. In response to this, the respondent-PIO states that he has sent information to the appellant through registered post, which might have been received by him. The appellant states that on the previous date of hearing Shri Jagdish Chander, Development Assistant has wrongly marked his presence but he was appearing in another case. Shri Paramjit Singh, Panchayat Secretary, is asked whether he has authorised Shri Jagdish Chander or not. He states that he has not authorised him. As

Contd.....p/2

Such , the order dated 11.10.2019 stands corrected to that effect.

3. Video Conference Facility was introduced for convenience of general public and for government officials. Viewing the absence on the previous date of hearing on 11.10.2019 of the respondent seriously, the PIO is, thus, 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 a maximum of Rs.25000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on him for causing willful delay of the information to the RTI applicant and why the compensation be not awarded to the information-seeker under Section 19(8)(b) of the Act for the detriment suffered by him.

4. 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.

5. Both the parties are directed to appear on 20.11.2019 at Chandigarh with original record concerning information for perusal of the Commission.

Dated 29.10.2019

Sd/-
(Suresh Arora)
Chief Information Commissioner,
Punjab.

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Ms. Surinder Kaur,
S/o Sh. Banchit Singh,
Village-Miyawal, Tehsil-Phillaur,
Distt.- Jalandhar.

.....Appellant
Vs

Public Information Officer,
O/o Panchayat Secretary, Gram Panchayat,
Meuwal, Block- Phillaur,
Distt.- Jalandhar.

First Appellate Authority,
O/o Block Development and Panchayat Officer,
Phillaur, District- Jalandhar.Respondents

Appeal Case No. 3252 of 2019 (Video Conference Proceedings)

Present:- Ms. Surinder Kaur, appellant.

Ms. Anita Junior Assistant o/o Deputy Commissioner, Jalandhar, on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 11.10.2019 vide which Shri Parvinder Singh, Panchayat Secretary, o/o Block Development and Panachayats Officer, Phillaur was given show cause notice for non-appearance and for non-supplying the information to the appellant.

2. The appellant states that she has sought information on 10.1.2019 but till date no information has been provided to her.

3. Ms. Anita appearing on behalf of the Deputy Commissioner, Jalandhar states that they have forwarded order received from the Commission through e-mail to BDPO, Phillaur and contacted Shri Parvinder Singh, Panchayat Secretary, on phone, who has informed her that his brother is sick.

4. The perusal of the file and the conduct of the respondent-PIO compelled the Commission to issue him a formal show cause notice as to why action under Section 20(1) of

Contd.....p/2

the RTI Act 2005 should not be taken against him and he was also provided an opportunity to file his written reply and also make use of this opportunity of personal hearing under the principles of natural justice.

5. Since the responsibility to ensure the timely transmission of the information to the appellant lies on the PIO, Shri Parvinder Singh, Panchayats Secretary is hereby held guilty for not appearing and not providing the information on time as prescribed under Section 7, which is within 30 days of the receipt of the request, and for repeated and willful defiance of the Punjab State Information Commission's order.

6. Such kind of failure on the part of the respondent-PIO is totally unacceptable. It is pertinent to mention here that RTI Act has been enacted to ensure participative nature of management between the public & the public authorities and also to know as to what is happening behind the closed doors with regard to the government affairs of the public authorities and their functioning.

7. After giving thoughtful consideration and due perusal of the facts of the case and the material available on record, I have come to the conclusion that he has failed to perform his duty as per the mandate of the RTI Act, which requires the public servant to ensure due transparency and accountability in its functioning. It has also come out that he has not only failed to perform his duty at his own level but also has shown his casual approach in complying with the explicit order of the Commission.

8. It has been further established from his conduct that he has failed to provide the information even after getting the formal show cause notice from the Commission. This speaks volumes as to how much respect & regard he has in his mind to the provisions of the RTI Act, which mandates that all public authorities will ensure that the RTI Act, 2005 is duly implemented by them whenever any citizen approaches the public authority to get any public information for which they have right to ask for as per the provisions of RTI Act. In view of the facts mentioned herein, I am of the considered view that Shri Parvinder Singh, PIO should be penalised for his negligence in discharge of his statutory duty prescribed under the RTI Act. All his failure put him make me to believe that his sheer neglect to perform his duties will be met only after he is duly taken to task as per the provisions of the RTI Act i.e Section 20(1) which provides that any delay on the part of the respondent-PIO beyond 30 days is to be penalized @ 250/- per day and

to the maximum of Rs.25000/-

9 Under these circumstances, I am left with no other option but to decide the question of imposition of penalty and quantum thereof upon Sh. Parvinder Singh as per the provisions of the RTI Act i.e. Section 20(1) of the RTI Act, 2005. In this case the intervening period is too large, the respondent-PIO failed to comply with the order of the Commission. Accordingly, a penalty of Rs. 5000/- is imposed on him.

10. The amount of penalty i.e. Rs. 5000/- should be deducted from his salary in two equal monthly installments and be deposited in the Government treasury under head "**0070-Other Administrative Services-60-Other Services-800-Other Receipts-86-Fees under the Right to Information Act**". The Block Development and Panchayats Officer, Phillaur, District Jalandhar shall ensure that this amount of penalty is deducted from the salary of the above said defaulting official from the months of November, 2019 and December, 2019 and deposited in the Treasury under the relevant head and sent compliance report to the Commission.

11 . The Commission is further of the view that since the appellant has had to suffer undue inconvenience to get the information, it is a fit case for awarding compensation to the appellant under Section 19(8)(b) of the RTI Act. The Public Authority is directed to pay an amount of Rs.10000/- through demand draft drawn through Government Treasury 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. The Public Authority is directed to duly inform the Commission of the compliance of the order and submit proof of having compensated the appellant.

12. To come up on 20.11.2019 at 3.30 P.M. to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Jalandhar.

Sd/-
(Suresh Arora)
Chief Information Commissioner,
Punjab.

Dated 29.10.2019

CC
Block Development and Panchayats Officer,
Phillaur, District Jalandhar. (By name)

District Development and Panchayats Officer,
Jalandhar.

Deputy Commissioner, Jalandhar.

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Sh. Baldev Raj,
S/o Charan Dass,
Parbodh Chander Nagar, Near ITI Gurdaspur,
Distt.- Gurdaspur.

.....Appellant

Vs

Public Information Officer,
O/o Executive Officer, Panchayat Samiti,
Kalanor, Distt.- Gurdaspur.

First Appellate Authority,
O/o District Development and Panchayat Officer,
District- Gurdaspur.

.....Respondents

Appeal Case No. 3259 of 2019

(Through Video Conference)

Present:- Shri Baldev Raj, appellant.

Shri Gurjit Singh, Block Development and Panchayats Officer, Kalanaur
on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 11.10.2019 vide which the absence of the respondent-PIO was viewed seriously and a show cause notice was issued to Shri Gurjit Singh, PIO-cum-BDPO, Kalanour, District Gurdaspur for his absence and not supplying the information within stipulated period as provided in the RTI Act, 2005.

2. The appellant states that till date no information has been received from the respondents till date.

3. Shri Gurjit Singh, BDPO, Kalanaur requests that some time be given to

Contd.....p/3

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him for providing the information to the appellant. Time is given with the direction to supply the information concerning correspondence made with the Head Office. If the respondents have made any correspondence with the Head Office then supply copy(ies) of the same otherwise give in writing that they have not done any correspondence, under the provisions of RTI Act, 2005. He is further directed to file reply to the show cause notice issued on the previous date of hearing on 11.10.2019 before the next date of hearing.

4. To come up on 20.11.2019 at 3.30 P.M. to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Gurdaspur.

Dated 29.10.2019

Sd/-
(Suresh Arora)
Chief Information Commissioner,
Punjab.

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Sh. Tejinder Singh (Advocate),
Civil Court, Tehsil Complex,
Back Side Sanjh Kender,
Phillaur-144410.

.....Appellant

Vs

Public Information Officer,
O/o Food Safety Officer,
O/o Civil Surgeon,
Near Bus Stand,
District: Hoshiarpur.

First Appellate Authority,
Civil Surgeon,
District: Hoshiarpur.

.....Respondents.

Appeal Case .No. 2859 of 2019 **(Through Video Conference)**

Present:- None on behalf of the appellant.

Shri Sandeep Kumar, Food Clerk, on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 11.10.2019 vide which the respondents were directed to take appropriate action concerning point at Sr. No.1 of application for seeking information.

2. The appellant was absent on the previous dated 11.09.2019, 11.10.2019 and today without intimation.

3. The representative of the respondents states that they have supplied the information to the appellant vide their letter dated 16.10.2019 but after the receipt of the reply from the respondents, nothing has been received from the appellant. From the absence of the appellant and non-receipt of any deficiency, it appears that complete information has been supplied to the satisfaction of the appellant. Hence, the present case is disposed of and closed. Copies of the order be sent to the parties.

Dated 29.10.2019

Sd/-
(Suresh Arora)
Chief Information Commissioner,
Punjab.

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Sh. Deepinder Singh,
S/o Sh. Jaswinder Singh,
Vill: Bhullerheri,
Tehsil: Dhuri,
Distt: Sangrur

.....Appellant

Vs

Public Information Officer,
O/o Block Development and Panchayat Officer,
Dhuri, District-Sangrur.

First Appellate Authority,
O/o Additional Deputy Commissioner (Development),
District-Sangrur.

.....Respondents

Appeal Case No. 1443 of 2019

Present:- None on behalf of the appellant.

Ms. Rimpay Garg, Block Development and Panchayats Officer, Dhuri on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 26.09.2019 vide which a show cause notice for imposition of penalty was issued to Ms. Rimpay Garg, BDPO, Dhuri for her absence and for non-supply of information to the appellant.

2. The appellant is absent without intimation.

3. The respondent-PIO states that complete information has been supplied to the appellant to his satisfaction and nothing has been left, which could be supplied to him according to his application for seeking information under the provisions of RTI Act, 2005 . She states that she was on leave on 26.09.2019 and that is why she did not attend the hearing.

Contd.....p/2

-2-

4. In view of the statement of the respondent-PIO, it is ascertained that complete information has been provided to the appellant to his satisfaction and nothing has been left, which could be supplied to the appellant. The instant case is disposed of and closed. As per her version regarding leave on previous date, the show cause notice issued to PIO is withdrawn. Copies of the order be sent to the parties.

Dated 29.10.2019

Sd/-
(Suresh Arora)
Chief Information Commissioner,
Punjab.

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Sh. Hardev Singh,
S/o Sh. Sadhu Singh,
Village- Ramuwal,
Tehsil: Mehatpur,
District- Jalandhar.

.....Appellant

Vs

Public Information Officer,
DDPO, Jalandhar.

PIO/Executive Engineer,
Panchayati Raj, Jalandhar.

.....Respondents

Complaint Case No. 666 of 2019 (Through Video Conference Facility)

Present:- Shri Hardev Singh complainant in person at Chandigarh.
Shri Sewa Singh, BDPO, Mehatpur on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 1.10.2019 vide which the respondents were directed to supply complete information including inquiry report within 15 days and the appellant was advised to go through the same and revert back to the authorities in case of deficiencies.

2. The appellant states that information has been received from the respondents except inquiry report to his satisfaction. The appellant states that 22.11.2019 be given as next date of hearing as he has to appear in another case at Chandigarh.

3. Shri Sewa Singh, BDPO, Mehatpur states that inquiry report has to be provided by the DDPO, Jalandhar. He assures that he would supply the inquiry report after collecting the same from the office of the District Development and Panchayats Officer, Jalandhar.

Contd.....p/2

Complaint Case No. 666 of 2019

-2-

4. Shri Sewa Singh is directed to send a copy of inquiry report to the appellant after collecting it from the office of the District Development and Panchayats Officer, Jalandhar before the next date of hearing.

5. To come up on 22.11.2019 at 3.30 P.M. to be heard through Video Conference Facility available in the Deputy Commissioner, Jalandhar's office.

Dated 29.10.2019

Sd/-
(Suresh Arora)
Chief Information Commissioner,
Punjab.

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Sh. Darshan Singh,
S/o Sh. Amar Singh,
Vill: Kaheru, Tehsil: Dhuri,
District- Sangrur.

.....Appellant

Vs

Public Information Officer,
Panchayat Secretary, Gram Panchayat,
Kaheru, Tehsil: Dhuri,
District- Sangrur.

First Appellate Authority
District Development and Panchayat Officer,
District- Sangrur.

.....Respondent

Appeal Case No. 2761 of 2019

(Through Video Conference Facility)

Present:- None on behalf of the appellant.

Shri Karamjit Singh, Panchayat Secretary, on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 26.09.2019 vide which the absence of the respondents viewed seriously. The PIO was directed to take appropriate action on the application of the appellant failing which punitive action would be initiated against him. The appellant was advised to appear on the next date of hearing and pursue his case on the next date of hearing, otherwise exparte decision will be taken.

2. The appellant was absent on 03.09.2019, 26.09.2019 and today without intimation.

3. The respondent-PIO states that complete information has been sent to the appellant through registered post and nothing has been left, which can be supplied to

Contd.....p/2

him as per his application for seeking information under the provisions of RTI Act, 2005. The representative of the respondents states that he was busy in attending the meeting, so he could not appear before the Commission.

4. In view of the explanation submitted by the respondent-PIO, show cause notice issued to him is withdrawn. On receipt of the information, last opportunity is afforded to the appellant to go through the same and revert back to the authorities, in case of deficiencies within one week. The respondents are directed to remove the same on its receipt before the next date of hearing.

5. To come up on 20.11.2019 at 3.30 P.M. to be heard through video conference facility available in the office of the Deputy Commissioner, Sangrur.

Dated 29.10.2019

Sd/-
(Suresh Arora)
Chief Information Commissioner,
Punjab.

PUNJAB STATE INFORMATION COMMISSION

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Madhya Marg, Sector 16, Chandigarh.
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Sh. Gagandeep Singh Janjua
Village Toora, PO Kumbh,
Tehsil Amlah, Fatehgarh Sahib 147301

.....Appellant

Vs

Public Information Officer
o/o Tehsildar East,
Ludhiana.

First Appellate Authority
o/o Sub Divisional Magistrate (East)
Mini Secretariat,
New Court Complex,
Ferozpur Road,
Ludhiana.

.....Respondents.

Appeal Case No.1922 of 2019

Present:- None on behalf of the appellant.
None on behalf of the respondents.

ORDER

. This order may be read with reference to the previous order dated 26.09.2019 vide which the appellant was afforded last opportunity to supply allotment number for getting the information from the respondents as early as possible otherwise the case will be decided exparte.

2. The appellant is absent but he has sent an email requesting that staff of Tehsildar Ludhiana (East) is on duty in a procession to be taken out in Ludhiana in connection with celebration of 550th Birth Anniversary of Guru Nanak Dev Ji.

3. An email has been received from Tehsildar, Ludhiana (East) in another case that he is busy in attending a procession taken out in connection with celebration of 550th Birth Anniversary of Guru Nanak Dev ji.

4. In view of the request of parties, the present case is adjourned to 20.11.2019 at 3.30 P.M. to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Ludhiana.

Dated : 29.10.2019

Sd/-
(Suresh Arora)
Chief Information Commissioner
Punjab

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,
Madhya Marg, Sector 16, Chandigarh.

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Sh. Krishan Kumar Singla,
House No. 195/2, Sector-45 A,
Chandigarh

.....Appellant

Vs

Public Information Officer,
General Administration Department (Secretariat Establishment-1 Branch),
Punjab Civil Secretariat,
Chandigarh.

First Appellate Authority,
General Administration Department (Secretariat Establishment-1 Branch),
Punjab Civil Secretariat,
Chandigarh.Respondents.

Appeal Case No. 2501 of 2019

ORDER

This case was heard on 1.10.2019 In view of the Second Appeal of the appellant filed in the Commission on 12.07.2019, the Commission issued hearing notice to the parties for appearance on 28.08.2019.

2. On 28.08.2019, the respondents were directed to send their submissions relating to third party information with a copy to the appellant and the case was adjourned to 5.9.2019.

3. On 5.9.2019, the appellant submitted observations in response to respondents' letter dated 29.08.2019 during the hearing with a copy to the respondents. The respondents were asked to submit their submissions before the next date of hearing and the case was adjourned to 01.10.2019.

4. On 1.10.2019, the respondents have submitted their submissions, the necessary contents of which are as under:-

- ੳ) ਮੰਗੀ ਗਈ ਸੂਚਨਾ ਪਰਸਨਲ ਹੋਣ ਕਾਰਨ ਆਰ.ਟੀ.ਆਈ.ਐਕਟ ਦੀ ਧਾਰਾ (1)(ਜੇ) ਅਨੁਸਾਰ ਉਪਲਬਧ ਨਹੀਂ ਕਰਵਾਈ ਜਾ ਸਕਦੀ।

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- ਅ) ਮੰਗੀ ਗਈ ਸੂਚਨਾ ਵਿਚ ਕੋਈ ਲਾਰਜਰ ਪਬਲਿਕ ਇੰਟਰਸਟ ਨਾਂ ਹੋਣ ਕਾਰਨ ਐਸ.ਐਲ.ਪੀ. ਨੰ: 27734 ਆਫ 2012 ਗਰੀਸ਼ ਰਾਮ ਚੰਦ ਦੇਸ਼ਪਾਂਡੇ ਬਨਾਮ ਕੇਂਦਰੀ ਸੂਚਨਾ ਕਮਿਸ਼ਨਰ ਅਤੇ ਹੋਰ ਵਿਚ ਮਿਤੀ 03.10.2012 ਨੂੰ ਮਾਨਯੋਗ ਸੁਪਰੀਮ ਕੋਰਟ ਵਲੋਂ ਦਿਤੇ ਫੈਸਲੇ ਅਨੁਸਾਰ ਸਪਲਾਈ ਨਹੀਂ ਕੀਤੀ ਜਾ ਸਕਦੀ।
- ੲ) ਇੰਟਰਨਲ ਕੰਪਲੇਂਟ ਕਮੇਟੀ ਵਲੋਂ ਮਿਤੀ 06.08.2018 ਦੀ ਕਾਰਵਾਈ ਵਿਚ ਸੂਚਨਾ ਮੁਹਈਆਂ ਕਰਵਾਉਣ ਤੇ ਰੋਕ ਲਗਾਈ ਹੈ।
- ਸ) ਸ਼ਿਕਾਇਤ ਕੇਸ ਨੰ:1352 ਆਫ 2016 ਵਿਚ ਪੰਜਾਬ ਸੂਚਨਾ ਕਮਿਸ਼ਨ ਵਲੋਂ ਹੇਠ ਲਿਖੇ ਅਨੁਸਾਰ ਮਿਤੀ 08.02.2017 ਨੂੰ ਫੈਸਲਾ ਹੇਠ ਲਿਖੇ ਅਨੁਸਾਰ ਫੈਸਲਾ ਦਿਤਾ ਗਿਆ ਹੈ:-

“Smt. Jasbir Kaur, Principal, Government Senior Secondary School, Alamgir, Ludhiana, the respondent has submitted in writing that the complainant is a retired Science Master. He nurses an animosity against her. She had filed a criminal complaint against his inappropriate demeanour towards her. Ever since he is filing vexatious complaints under RTI against her. She has attached a list of about 20 complaints made by the complainant under the RTI Act in the recent past against her. She further says that he is obsessed with hate to settle his personal score.

The complainant in the Court admits that he had to suffer at the hands of the police consequent upon a complaint made by the respondent. He justifies his action by taking a menacing posture in the Court and says that he shall ensure that she continues to suffer.

Superior Courts have observed on umpteen occasions that RTI is not a forum to settle personal scores. The stance of the complainant in the Court testifies his personal agenda. His complaints are entirely devoid of public interests. It is a clear case of abuse of the RTI Act.

A disgruntled personnel cannot be allowed to run riot and use RTI as an instrument of harassment to a hapless government official by filing a spate of applications with a personal agenda. Hon'ble High Court of Punjab and Haryana in case of K.K.Sharma Vs State of Punjab in relation to disgruntled employees had observed :

“Clearly, the provision of RTI Act would not be available to a disgruntled

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employee seeking information as regards public officials which is otherwise personal in nature on account of furtherance of a personal vendetta.”

The Commission thus directs that the PIOs need not answer any RTI question if filed by this appellant in the coming days for the information relating directly or indirectly to the respondent in this particular case.”

5. This Bench is satisfied with the reply submitted by the respondents and their reliance on the above decision of Shri Yashvir Mahajan, Hon'ble State Information Commissioner that RTI is not a forum to settle personal scores. The stance of the complainant in the Court testifies his personal agenda. His application for seeking information is entirely devoid of public interests. It is a clear case of abuse of the RTI Act. According to the decision of Hon'ble High Court of Punjab and Haryana in CWP No. 4930 of 2011 K.K.Sharma Vs State of Punjab on 07.03.2019 in relation to disgruntled employees had observed which Clearly shows that the provision of RTI Act would not be available to a disgruntled employee seeking information as regards public officials which is otherwise personal in nature on account of furtherance of a personal vendetta. In the instant case, the date of filing RTI applications started only after the concerned official deposed against him in a sexual harassment case. Since no larger public interest is involved, as is evident from the relevant extract of *Civil Appeal No.22 of 2009, Canara Bank vs. C.S. Shyam and another, decided on 31.08.2017, which is reproduced below:-*

- 12) In our considered opinion, the issue involved herein remains no more res integra and stands settled by two decisions of this Court in *Girish Ramchandra Deshpande vs. Central Information Commissioner ^ Ors.*, (2013) 1 SCC 212 and *R.K. Jain vs. Union of India & Anr.*, (2013) 14 SCC 794, it may not be necessary to re-examine any legal issue urged in this appeal.
- 13) In *Girish Ramchandra Deshpande's case (Supra)*, the petitioner therein (Girish) had sought some personal information of one employee working in Sub Regional Office (provident fund) Akola.

All the authorities, exercising their respective powers under the Act, declined the prayer for furnishing the information sought by the petitioner. The High Court in writ petition filed by the petitioner upheld the orders. Aggrieved by all the order, he filed special leave to appeal in this Court. Their lordships dismissed the appeal and upholding the orders passed by the High Court held as under:-

"12. We are in agreement with the CIC and the Courts below that the details called for by the petitioner i.e. copies of all memos issued to the third respondent, show-cause notice and orders of censure/punishment, etc. are qualified to be personal information as defined in clause (j) of Section 8(1) of the RTI Act. The performance of an employee/officer in an organisation is primarily a matter between the employee and the employer and normally those aspects are governed by the service rules which fall under the expression "personal information", the disclosure of which has no relationship to any public activity or public interest. On the other hand, the disclosure of which would cause unwarranted invasion of privacy of that individual. Of course, in a given case, if the Central Public Information Officer or the State Public Information Officer or the appellate authority is satisfied that the larger public interest justifies the disclosure of such information, appropriate orders could be passed but the petitioner cannot claim those details as a matter of right.

13. The details disclosed by a person in his income tax returns are "personal information" which stand exempted from disclosure under clause (j) of Section 8(1) of the RTI Act, unless involves a larger public interest and the Central Public Information Officer or the State Public Information Officer or the appellate authority is satisfied that the larger public interest justifies the disclosure of such information."

Since, the appellant has failed to establish larger public interest in getting the personal information of third party, according to the above judgment, the same cannot be supplied. Hence, the present case is **disposed of** and **closed**. Copies of the order be sent to the parties.

Dated : 29.10.2019

*Sd/-
(Suresh Arora)
Chief Information Commissioner
Punjab*