



Sh. Prem Nath Bansal
(Retd. Vety Inspector),
69, Lajpat Nagar, Gazipur Road,
Bishanpura Area, Zirakpur-140603(Punjab).
(M : 9814030742)

....Appellant

Vs

Public Information Officer,
O/o The Director,
Animal Husbandry, Punjab
Livestock Bhawan, Sector-68,
S.A.S. Nagar (Mohali) (Punjab)

First Appellate Authority
O/o The Director,
Animal Husbandry, Punjab
Livestock Bhawan, Sector-68,
S.A.S. Nagar (Mohali) (Punjab)

.....Respondents

Appeal Case No. 5956 of 2023

Present : Sh. Prem Nath Bansal, the appellant in person.
i) Sh. (Dr.) Sham Singh(M.-9814685340), PIO ;
ii) Sh. (Dr.) Lakhwinder Singh(M.-8872421000), APIO ;
iii) Sh. Gursharan Singh(M.-8699614338), Superintendent ;
iv) Sh. Suresh Dubey(M.-9779793145), Senior Assistant ;
v) Ms. Rajbir Kaur(M.-7508558997), Senior Assistant, for the respondent.

ORDER

This order may be read with reference to the previous order dated 21.11.2025, through which the hearing was adjourned for 19.02.2025 and on 19.02.2025 the hearing could not held and the case is fixed for today i. e. 06.03.2025.

2. The appellant submits that he has received the information but is not satisfied as his personal record related to the GPF is missing. However, the respondent Sh. Gursharan Singh, Superintendent (GPF Branch), placed on record a copy of the DDR lodged by him with regard to the missing file. It is appropriate to mention that missing record is not an exemption. As per the provisions of the RTI Act, information has to be supplied within thirty days but the respondent at the belated stage submitted a copy of DDR as the appellant filed the RTI application on 05.04.2023 and the respondent lodged an DDR on 24.12.2024 i. e. after one year around eight months that the record is missing.

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3. As per the provisions of the RTI Act, the PIO is also duty bound to implement the Act in a letter and spirit. *It is appropriate to mention the decision of the Hon'ble High Court of Delhi at New Delhi in W.P.(C) 900/2021 and C M Appl 2395/2021, the relevant portion of which is as follows:-*

12. The role of CPIOs under the RTI Act has been elaborately dealt with in Registrar of Companies v. Dharmendra Kumar Garg (WP(C) 11271/2009, decided on 1st June, 2012). The court has held that: "Merely because the CIC eventually finds that the view taken by the PIO was not correct, it cannot automatically lead to issuance of a show-cause notice under Section 20 of the RTI Act and the imposition of penalty. The legislature has cautiously provided that only in cases of malafides or unreasonable conduct, i.e., where the PIO, without reasonable cause refuses to receive the application, or provide the information, or knowingly gives incorrect, incomplete or misleading information or destroys the information, that the personal penalty on the PIO can be imposed. This was certainly not one such case. If the CIC starts imposing penalty on the PIOs in every other case, without any justification, it would instill a sense of constant apprehension in those functioning as PIOs in the public authorities, and would put undue pressure on them. They would not be able to fulfill their statutory duties under the RTI Act with an independent mind and with objectivity. Such consequences would not auger well for the future development and growth of the regime that the RTI Act seeks to bring in and may lead to skewed and imbalanced decisions by the PIOs Appellate Authorities and the CIC. It may even lead to unreasonable and absurd orders and bring the institutions created by the RTI Act in disrepute."

13. Thereafter, in Union of India v. Vishwas Bhamburkar (WP(C) 3660/2012, decided on 13th September, 2013), it was held: "It is not uncommon in the government departments to evade disclosure of the information taking the standard plea that the information sought by the applicant is not available. Ordinarily, the information which at some point of time or the other was available in the records of the government, should continue to be available with the concerned department unless it has been destroyed in accordance with the rules framed by that department for destruction of old record. Therefore, whenever an information is sought and it is not readily available, a thorough attempt needs to be made to search and locate the information wherever it may be available. It is only in a case where despite a thorough search and inquiry made by the responsible officer, it is concluded that the information sought by the applicant cannot be traced or was never available with the government or has been destroyed in accordance with the rules of the concerned department that the CPIO/PIO would be justified in expressing his inability to provide the desired information. Even in the case where it is found that the desired information though available in the record of the

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government at some point of time, cannot be traced despite best efforts made in this regard, the department concerned must necessarily fix the responsibility for the loss of the record and take appropriate departmental action against the officers/officials responsible for loss of the record. Unless such a course of action is adopted, it would be possible for any department/office, to deny the information which otherwise is not exempted from disclosure, wherever the said department/office finds it inconvenient to bring such information into public domain, and that in turn, would necessarily defeat the very objective behind enactment of the Right to Information Act. 7. Since the Commission has the power to direct disclosure of information provided, it is not exempted from such disclosure, it would also have the 14. ***In J.P. Agrawal v. Union of India (WP(C) 7232/2009, decided on 4th August, 2011) the Id. Single Judge has recognised that CPIOs/PIOs are not merely "post offices" and have a crucial responsibility in facilitating the purpose of the RTI Act. The court has held that:***

"7.The Act having required the PIOs to "deal with" the request for information and to "render reasonable assistance" to the information seekers, cannot be said to have intended the PIOs to be merely Post Offices as the Petitioner would contend. The expression "deal with", in Karen Lambert v. London Borough of Southwark (2003) EWHC 2121 (Admin) was held to include everything right from receipt of the application till the issue of decision thereon. Under Section 6(1) and 7(1) of the RTI Act, it is the PIO to whom the application is submitted, and it is he who is responsible for ensuring that the information as sought is provided to the applicant within the statutory requirements of the Act. Section 5(4) is simply to strengthen the authority of the PIO within the department; if the PIO finds a default by those from whom he has sought information, the PIO is expected to recommend a remedial action to be taken. The RTI Act makes the PIO the pivot for enforcing the implementation of the Act.

8. Even otherwise, the very requirement of designation of a PIO entails vesting the responsibility for providing information on the said PIO. As has been noticed above penalty has been imposed on the Petitioner not for the reason of delay which the Petitioner is attributing to Respondent No. 4 but for the reason of the Petitioner having acted merely as a Post Office, pushing the application for information received, to the Respondent No. 4 and forwarding the reply received from the Respondent No. 4 to the information seeker, without himself "dealing" with the application and/or "rendering any assistance" to the information seeker. The CIC has found that the information furnished by the Respondent No. 4 and/or his department and/or his administrative unit was not what was sought and that the Petitioner as PIO, without applying his mind merely forwarded the same to the information seeker. Again, as aforesaid the Petitioner has not

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been able to urge any ground on this aspect. The PIO is expected to apply his / her mind, duly analyze the material before him/her and then either disclose the information sought or give grounds for non-disclosure. A responsible officer cannot escape his responsibility by saying that he depends on the work of his subordinates. The PIO has to apply his own mind independently and take the appropriate decision and cannot blindly approve/forward what his subordinates have done.

9. This Court in *Mujibur Rehman v. Central Information Commission* held that information seekers are to be furnished what they ask for and are not to be driven away through filibustering tactics and it is to ensure a culture of information disclosure that penalty provisions have been provided in the RTI Act. The Act has conferred the duty to ensure compliance on the PIO. This Court in *Vivek Mittal v. B.P. Srivastava* 2009 held that a PIO cannot escape his obligations and duties by stating that persons appointed under him had failed to collect documents and information; that the Act as framed casts obligation upon the PIO to ensure that the provisions of the Act are fully complied. Even otherwise, the settled position in law is that an officer entrusted with the duty is not to act mechanically. The Supreme Court as far back as in *Secretary, Haila Kandi Bar Association v. State of Assam* 1995 Supp. (3) SCC 736 reminded the high ranking officers generally, not to mechanically forward the information collected through subordinates. The RTI Act has placed confidence in the objectivity of a person appointed as the PIO and when the PIO mechanically forwards the report of his subordinates, he betrays a casual approach shaking the confidence placed in him and duties the probative value of his position and the report.”

15. *On the basis of the above judgments, the following principles can be clearly gleaned:*

- i) CPIO/PIOs cannot withhold information without reasonable cause;*
- ii) A PIO/CPIO cannot be held responsible if they have genuinely rejected the information sought on valid grounds permissible under the Act. Mere difference of opinion on the part of CIC cannot lead to an imposition of penalty under section 20 of the RTI Act;*
- iii) Government departments ought not to be permitted to evade disclosure of information. Diligence has to be exercised by the said departments, by conducting a thorough search and enquiry, before concluding that the information is not available or traceable;*
- iv) Every effort should be made to locate information, and the fear of disciplinary action would work as a deterrent against suppression of information for vested interests;*



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v) PIO/CPIO cannot function merely as “post offices” but instead are responsible to ensure that the information sought under the RTI Act is provided;
vi) A PIO/CPIO has to apply their mind, analyze the material, and then direct disclosure or give reasons for non-disclosure. The PIO cannot rely upon subordinate officers;
vii) Duty of compliance lies upon the PIO/CPIO. The exercise of power by the PIO/CPIO has to be with objectivity and seriousness the PIO/CPIO cannot be casual in their approach.
viii) Information cannot be refused without reasonable cause.
16. Thus, under the RTI Act, the CPIOs have a solemn responsibility. Section 5(3) requires that every CPIO or SPIO shall deal with requests for information and ‘render reasonable assistance’ to the persons seeking information. CPIOs or SPIOs can seek assistance from higher/other officials in the organisation in order to enable them to furnish the information sought for the ‘proper discharge’ of their duties, as per Section 5(4). Such other officers from whom assistance may be sought would also be treated as CPIOs, under Section 5(5). CPIOs are thus expected to look into queries raised by the Applicants under the RTI Act, and fulfil an important responsibility while furnishing the said required information, in a fair, non arbitrary and truthful manner. The organisation, as a whole, also has to cooperate in the functioning of the CPIOs.”

4. The submissions made by the respondent are not justified, therefore, the respondent PIO is directed to file an affidavit, duly sworn, whether the missing file can be reconstructed at this stage, in addition, whether the DDR is sufficient to take action against the officer/official who are responsible for missing the file. The respondent PIO as well as Sh. Gursharan Singh, Superintendent (GPF Branch), are also directed to apply the judicial mind to meet the ends of justice.

5. Since the record is missing in this case, therefore, a copy of this order is **being sent** to Additional Chief Secretary department of Animal Husbandry, Dairy Development and Fisheries Punjab and Director and Warden, Animal Husbandry, Punjab, Chandigarh, to look into this case personally and monitor the whole situation, at this stage. They are also directed to assist the Commission to take the matter to its logical end.

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6. With this, the case is **adjourned to 23rd April, 2025 at 11:30 A. M. for hearing at Chandigarh.**

Date : 6th March, 2025
R

(Inderpal Singh)
Chief Information Commissioner
Punjab

CC :

- i) Sh. Alok Shekhar, IAS
Additional Chief Secretary
Department of Animal Husbandry,
Dairy Development and Fisheries Punjab,
Pb. Civil Secretariat, Chandigarh
- ii) Sh. (Dr.) Gursharanjit Singh Bedi
Director and Warden,
Animal Husbandry, Punjab
Livestock Bhawan, Sector-68,
S.A.S. Nagar (Mohali) (Punjab)