

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden

Sector:16, Chandigarh

Contact No.0172-2864116, Fax No.0172-2864125

Visit us @ www.infocommpunjab.com; Email. psic26@punjabmail.gov.in

Sh. Balwinder Singh
S/o Sh. Banta Singh,
Village Nidhana, Tehsil Guruharsahai,
District Ferozepur.

.Complainant

Versus

Public Information Officer,
O/o Deputy Commissioner,
Ferozepur.

Public Information Officer,
O/o District Development and Panchyat Officer,
Ferozepur.

Public Information Officer,
O/o Block Development and Panchayat Officer,
Guru Har Sahai, Distt: Ferozepur.

.Respondents

COMPLAINT CASE NO. 960 OF 2017

PRESENT: Sh. Balwinder Singh, on behalf of the Complainant.
Sh. Chinder Pal, Panchayat Secy., on behalf of the respondent.

ORDER:

This order may be read with reference to the previous order dated:

20.11.2018.

2. The complainant has authorized Sh. Balwinder Singh to appear on his behalf for today's hearing. The representative of the complainant states that till today, complete information has not been supplied to the complainant by the respondent.

3. The respondent states that the BDPO, Guruharshai is busy in the election duty that is why he has not attended today's hearing. He further states that an affidavit has already been filed by the DDPO, Ferozpeur in response to the show cause notice, which is taken on record.

4. The Complainant had filed a RTI application with the PIO on **22.06.2017** for certain information. Without receiving any reply from the respondent, the Complainant therefore filed a Complaint with the Commission on 04.09.2017 under Section 18 of the RTI Act.

5. The perusal of the record reveals that the Complainant has not availed the provision of the Section 19(1) of the RTI Act by filing an appeal with the First Appellate Authority (FAA). As such the FAA has not been able to address the grievances of the Complainant.

Contd.p-2

6. It must be noted that there is an alternate and efficacious remedy of First Appeal available under Section 19(1) of the RTI Act. It appears that the Complainant has failed to avail the same in the instant case. Consequently, the First Appellate Authority (FAA) has not had the chance to review the PIO's decision as envisaged under the RTI Act.

7. In view of the aforesaid, the instant matter is **remanded to the FAA**. The Commission hereby directs the FAA to treat the copy of the Complaint (enclosed herewith) as the First Appeal and decide the matter in accordance with the provisions of the RTI Act after giving all concerned parties an opportunity to be heard.

8. The FAA is directed to peruse all the relevant documents during the hearing and examine whether the information provided by the PIO is complete, relevant and correct. Where the FAA is satisfied that the information provided by the PIO is as per the records, the First Appeal shall be disposed of. In the event, there are any deficiencies in the information provided by the PIO, the FAA shall direct the PIO to provide the complete information in reply to the RTI application dated 22.06.2017 to the Complainant.

9. In view of the above, the case is **disposed of**. Copies of this decision be sent to the parties **through registered post**.

**Chandigarh
19.12.2018**

Sd/-
**(Prof. Viney Kapoor Mehra)
State Information Commissioner**

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Sh. Rakesh Kumar Gupta,
Advocate, 8/237, Jagraon,
Road, Mandi Mullanpur,
Distt: Ludhiana.

.Appellant

Versus

Public Information Officer,
O/o DFSC (East),
Zone-D, Municipal Corporation,
Ludhiana.

First Appellate Authority,
o/o DFSC,
Punjab, Sector:39/C,
Chandigarh.

...Respondent

Appeal Case No. 1694 of 2017

PRESENT: (i) Sh. Rakesh Kumar Gupta, the appellant.
(ii) Smt. Narinderpal Kaur, DFSO on behalf of the respondent.

ORDER

This order may be read with reference to the previous order dated 30.10.2018.

2. The appellant states that he visited the o/o respondent on 30.10.2018 and has received the remaining information regarding point nos. 1 and 5.

3. The respondent has filed an affidavit of the PIO Sh. Rakesh Bhaskar today in the Commission, which is taken on record.

4. After hearing both the parties and perusing the record, it is ascertained that the appellant has inspected the record and has received the remaining information of point no. 1 and 5, with which he is satisfied.

5. In view of the above, no further cause of action is left in the instant Appeal Case, which is hereby, **disposed of and closed**. Copies of the order be sent to the parties.

Chandigarh
19.12.2018

Sd/-
(Prof. Viney Kapoor Mehra)
State Information Commissioner

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Sh. Dilawar Singh & Sh. Sohan Singh,
S/o Sh. Gurdev Singh,
Village Khurdan, P.O: Chaniyani Khurd,
Tehsil & Police Station Balachaur,
Distt: SBS Nagar (Nawanshahar).

.Appellant

Versus

Public Information Officer,
O/o S.S.P,
S.B.S Nagar(Nawanshahar).

First Appellate Authority
o/o Deputy Inspector General of Police,
Ludhiana Range, Ludhiana.

.Respondent.

Appeal Case No. 2214 of 2018

PRESENT: Sh. Dilawar Singh, the appellant.
Sh. Kailash Chander, DSP on behalf of the respondent.

ORDER

This order may be read with reference to the previous order dated 30.10.2018.

2. The appellant states that no information has been provided to him by the respondent.

3. The respondent states that he has brought the original record today in the Commission for the perusal of the appellant.

4. After going through the record, the appellant states that he is satisfied and has given in writing that this case may please be closed.

5. In view of the above, no further cause of action is left in the instant Appeal Case, which is hereby, **disposed of and closed**. Copies of the order be sent to the parties.

Chandigarh
19.12.2018

Sd/-
(Prof. Viney Kapoor Mehra)
State Information Commissioner

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Sh. Dilawar Singh & Sh. Sohan Singh,
S/o Sh. Gurdev Singh,
Village Khurdan, P.O: Chaniyani Khurd,
Tehsil & Police Station Balachaur,
Distt: SBS Nagar (Nawanshahar).

.Appellant

Versus

Public Information Officer,
O/o S.S.P,
S.B.S Nagar(Nawanshahar).

First Appellate Authority
o/o Inspector General of Police,
Ludhiana Range, Ludhiana.

.Respondent.

Appeal Case No. 2096 of 2018

PRESENT: Sh. Dilawar Singh, the appellant.
Sh. Kailash Chander, DSP on behalf of the respondent.

ORDER

This order may be read with reference to the previous order dated 30.10.2018.

2. The appellant states that he has received the information and is satisfied.

3. The respondent files an affidavit as directed by the Commission, during the last hearing mentioning therein that the complete information has been provided to the appellant by registered post on 11.10.2018.

4. After hearing both the parties and perusing the record, it is ascertained that the appellant has received the information with which he is satisfied and has given in writing his satisfaction.

5. In view of the above, no further cause of action is left in the instant Appeal Case, which is hereby, **disposed of and closed**. Copies of the order be sent to the parties.

Chandigarh
19.12.2018

Sd/-
(Prof. Viney Kapoor Mehra)
State Information Commissioner

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Sh. Dilawar Singh,
S/o Sh. Gurdev Singh,
Village Khurdan, P.O: Chaniyani Khurd,
Tehsil & Police Station Balachaur,
Distt: SBS Nagar (Nawanshahar).

.Appellant

Versus

Public Information Officer,
O/o S.S.P,
S.B.S Nagar(Nawanshahar).

First Appellate Authority
o/o Inspector General of Police,
Ludhiana Range, Ludhiana.

.Respondent.

Appeal Case No. 3495 of 2018

PRESENT: Sh. Dilawar Singh, the appellant.
Sh. Kailash Chander, DSP on behalf of the respondent.

ORDER

This order may be read with reference to the previous order dated 29.11.2018.

2. The appellant states that till today, no information has been provided to him by the respondent.

3. The respondent states that he has brought the original record for the perusal of the Commission.

4. After going through the original record, the appellant states that he wants the copy of the location but the respondent has refused to provide the same being third party information.

5. After examining the case file, it is ascertained that the information does not relate to third party, as the information seeker is also involved in this inquiry. Since, the appellant is affected party and he is entitled to the information. Therefore, the respondent is directed to provide the copy of the location to the appellant, before the next date of hearing, which has been pointed out by him today in the Commission.

6. The matter to come up for further hearing now on **17.01.2019 at 11.30AM**. Copies of the order be sent to the parties.

Chandigarh
19.12.2018

Sd/-
(Prof. Viney Kapoor Mehra)
State Information Commissioner

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Sh. Sukhwinder Singh,
Pardhan, Anti Corruption Trust (Regd),
Macchiwara, Distt: Ludhiana.

.Appellant

Versus

Public Information Officer,
O/o District Health Officer,
Ludhiana.

First Appellate Authority
o/o Civil Surgeon,
Ludhiana.

.Respondent

Appeal Case No.3070 of 2018

PRESENT: None for the parties.

ORDER

This order may be read with reference to the previous order dated 30.10.2018.

2. Neither the PIO nor the appellant is present for today's hearing.

3. A letter has been received from the respondent in the Commission vide diary no. 23900 dated 28.11.2018 mentioning therein that the appellant has visited their office on 30.10.2018 and has inspected the record. The appellant has given in writing that no other information is available in the official record of the respondent except he has given to him on 22.10.2018, with which he is satisfied and wants to close the case.

4. In view of the above, no further cause of action is left in the instant Appeal Case, which is hereby, **disposed of and closed**. Copies of the order be sent to the parties.

Chandigarh
19.12.2018

Sd/-
(Prof. Viney Kapoor Mehra)
State Information Commissioner

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Sh. Rajnish Kumar,
B-18/261, Samania Gate,
Near Old Police Lines School,
Patiala.

.Appellant

Versus

Public Information Officer,
O/o Member Secretary,
Punjab State Faculty Ayurvedic/Unani System,
Of Medicine, Medical Education, Sector: 69,
Mohali.

First Appellate Authority
o/o Member Secretary,
Punjab State Faculty Ayurvedic/Unani System,
Of Medicine, Medical Education, Sector: 69,
Mohali.

.Respondent

Appeal Case No. 2035 of 2018

PRESENT: (i) None is present on behalf of the appellant.
(ii) Ms. Gupreet Kaur, Clerk on behalf of the respondent.

ORDER

This order may be read with reference to the previous order dated 30.10.

2018.

2. The appellant is absent for today's hearing and was also not present on the last hearings dated 02.08.2018, 12.09.2018 and 30.10.2018.

3. The respondent states that the information has already been supplied to the appellant by registered post on 14.09.2018. Copy of the receipt is taken on record.

4. After hearing the respondent and perusing the record, it is ascertained that the information has already been supplied to the appellant by registered post but the appellant has not attended any of the hearing in the Commission, which shows that he is satisfied with the information provided and does not want to pursue the case.

5. In view of the above, no further cause of action is left in the instant Appeal Case, which is hereby, **disposed of and closed**. Copies of the order be sent to the parties.

Chandigarh
19.12.2018

Sd/-
(Prof. Viney Kapoor Mehra)
State Information Commissioner

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Sh. Vinod Kumar Walia,
S/o Sh. Mohinder Singh,
H.No.27, Gurdev Nagar,
Jalandhar.

.Appellant

Versus

Public Information Officer,
o/o Civil Surgeon,
Civil Hospital, Jalandhar.

First Appellate Authority
o/o Civil Surgeon,
Civil Hospital, Jalandhar.

.Respondent

Appeal Case No. 2121 of 2018

PRESENT: (i) None is present on behalf of the appellant.
(ii) Sh. Rashu Mahajan, Food Safety Officer is present on behalf of the respondent.

ORDER

This order may be read with reference to the previous order dated 30.10.2018.

2. A letter has been received from the appellant by email mentioning therein that due to ill health, he cannot attend today's hearing

3. The respondent files an affidavit today in the Commission as directed by the Commission during the last hearing mentioning therein that the information which has been sought by the appellant being third party and third party has refused to share this information. The appellant has already been informed in this regard on 07.05.2018 through registered post. The affidavit is taken on record.

4. In view of the above, no further cause of action is left in the instant Appeal Case, which is hereby, **disposed of and closed**. Copies of the order be sent to the parties.

Chandigarh
19.12.2018

Sd/-
(Prof. Viney Kapoor Mehra)
State Information Commissioner

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Sh. Balwinder Singh,
S/o Sh. Banta Singh,
Village Nidhana, Tehsil:Guruharsahai,
Distt:Ferozepur.

Appellant

Versus

Public Information Officer,
O/o Drug Inspector,
O/o Civil Surgeon, Fazilka.

First Appellate Authority
o/o Civil Surgeon,
Fazilka.

Respondent

Appeal CASE NO. 1971 OF 2018

PRESENT: (i) Sh. Balwinder Singh on behalf of the appellant.
(ii) Sh. Akant Singla, PIO, the respondent.

ORDER

This order may be read with reference to the previous order dated 20.11.2018.

2. The appellant has authorized Sh. Balwinder Singh to appear on his behalf for today's hearing. The representative of the appellant states that till today, complete information has not been provided to the appellant.

3. Sh. Akant Singla, the PIO files an affidavit today in the Commission in response to the show cause notice, which is taken on record.

4. Copy of the affidavit is handed over to the representative of the appellant. After going through the affidavit, he states that action taken report on M/s V.R Medical store is still pending. The respondent has assured that the same will be supplied to the appellant within one week.

5. Keeping in view all the facts mentioned in the reply are found satisfactory. The show cause notice issued to the PIO is hereby, dropped.

6. On the assurance of the respondent, the case is **closed and disposed of**. In case, the remaining information is not received by the appellant within one week, he is free to approach the Commission, after one month. Copies of the order be sent to the parties.

Chandigarh
19.12.2018

Sd/-
(Prof. Viney Kapoor Mehra)
State Information Commissioner

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Sh. Vikram Singh,
Officer Colony, Block C-18,
Street No.3, Sangrur.

.Appellant

Versus

Public Information Officer
O/o Director,
Health and Family Welfare Deptt.,
Punjab, Chandigarh.

First Appellate Authority
o/o Director,
Health and Family Welfare Deptt.,
Punjab, Chandigarh.

.Respondent

APPEAL CASE NO. 3074 OF 2018

PRESENT: (I) Sh. Vikram Singh, the appellant.
(ii) Sh. Satpal Singh, Suptd., on behalf of the respondent.

ORDER:

This order may be read with reference to the previous order dated 30.10.2018.

2. The appellant states that he has received the information from the respondent on 10.12.2018 and has pointed out deficiencies on 13.12.2018 to the respondent.

3. The respondent files point wise reply today in the Commission and states that till today, no discrepancies have been received from the appellant.

4. The appellant has handed over the same to the respondent today in the Commission. The respondent is directed to remove the same, before the next date of hearing, failing which action under Section 20(1) of the RTI Act, 2005 will be initiated.

5. The matter to come up for further hearing now on **07.02.2019 at 11.30AM**. Copies of the order be sent to the parties.

Sd/-

Chandigarh
19.12.2018

(Prof. Viney Kapoor Mehra)
State Information Commissioner

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Sh. Vikram Singh,
Officer Colony, Block C-18,
Street No.3, Sangrur.

.Appellant

Versus

Public Information Officer
O/o Director,
Health and Family Welfare Deptt.,
Punjab, Chandigarh.

First Appellate Authority
o/o Director,
Health and Family Welfare Deptt.,
Punjab, Chandigarh.

.Respondent

APPEAL CASE NO. 3075 OF 2018

PRESENT: (I) Sh. Vikram Singh, the appellant.
(ii) Sh. Satpal Singh, Suptd., on behalf of the respondent.

ORDER:

This order may be read with reference to the previous order dated 30.10.2018.

2. The appellant states that he has received the information from the respondent on 27.11.2018, which was totally irrelevant.

3. The respondent states that the information is very voluminous and he has recently joined on this post. He has requested that the appellant can visit their office and inspect the record.

4. The appellant is advised to visit the office of the respondent on any working day and inspect the record. The respondent is directed to provide the information which will be identified by the appellant not more than 50 pages, free of cost, before the next date of hearing, failing which action under Section 20(1) of the RTI Act, 2005 will be initiated.

5. The matter to come up for further hearing now on **07.02.2019 at 11.30AM**. Copies of the order be sent to the parties.

Sd/-

Chandigarh
19.12.2018

(Prof. Viney Kapoor Mehra)
State Information Commissioner

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Sh. Rajesh Gupta,
H.No.738, Sector:41/A,
Chandigarh.

.Appellant

Versus

Public Information Officer,
O/o Director,
Animal Husbandry, Livestock Complex,
Sector:68, SAS Nagar.

First Appellate Authority
o/o Director,
Animal Husbandry, Livestock Complex,
Sector:68, SAS Nagar.

.Respondent.

Appeal Case No. 1874 of 2018

PRESENT: Sh. Rajesh Gupta, the appellant.
Dr. K.P.S Pasricha, Sr. Veterinary Officer on behalf of the respondent.

ORDER

This order may be read with reference to the previous order dated 13.11.2018.

2. The appellant states that till today, complete information has not been supplied to him by the respondent. He further states that he has already pointed out deficiencies.

3. The respondent states that the information regarding point no. 1, 2, and 3 has already been provided to the appellant. Information regarding point no. 4 is not traceable and information regarding point no. 5, no such letter has been received from the appellant and information regarding point no. 7, he has brought the same today in the Commission. He further states that he has brought the dispatch and receipt register today in the Commission for the inspection.

4. The appellant has inspected the original record about two hours and pointed out more than 100 pages. The respondent is directed to provide the documents free of cost, to the appellant but not more than 50 pages, and above 50 pages, the appellant is advised to pay the documentation fee and get the information. The respondent-PIO is afforded one more opportunity to provide the information

Contd....p-2

which has been inspected by him today, duly attested, in accordance with his RTI application dated 23.02.2018, failing with punitive provisions of the RTI Act, 2005 may be invoked against the erring officer(s).

5. The appellant is also advised to produce the letter Maili No. 36/23.02.2016 sent by him in the o/o Director, Animal Husbandry, Punjab by registered post on 25.02.2016, on the next date of hearing.

6. The matter to come up for further hearing now on **30.01.2019 at 11.30AM**. Copies of the order be sent to the parties.

**Chandigarh
19.12.2018**

Sd/-
**(Prof. Viney Kapoor Mehra)
State Information Commissioner**

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Sh. Chander Pratap,
S/o Sh. Swami, Ward No.2,
Kala Manj Kothi, G.T.Road,
Mukheria, Distt: Hoshiarpur.

.Complainant

Versus

Public Information Officer,
O/o Principal Secretary,
Govt.,of Punjab, Welfare Deptt.,
SC & BC, Punjab, Chandigarh.

...Respondent

Complainant Case No. 1220 of 2017

PRESENT: (i) Sh. Chander Partap, the complainant
(ii) Sh. Nachharttar Singh, Suptd.,-cum-PIO the respondent.

ORDER

This order may be read with reference to the previous order dated 30.10.2018.

2. The complainant states that till today, complete information has not been supplied to him by the respondent.

3. Sh. Nachharttar Singh, Suptd.,-cum-PIO is appearing in person and files an affidavit in response to the show cause notice. He further states that most of the information was related with the Housefed but the Housefed is not a public authority and their Advocate has already filed detailed reply, during the hearing dated 12.09.2018.

4. Original affidavit is handed over to the complainant, today in the Commission, with which the complainant is satisfied.

5. Keeping in view of the facts mentioned in the reply are found satisfactory. The show cause notice is hereby, dropped. No further cause of action is left in the instant Complaint Case, which is hereby, **disposed of and closed**. Copies of the order be sent to the parties.

Chandigarh
19.12.2018

Sd/-
(Prof. Viney Kapoor Mehra)
State Information Commissioner

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Adv H.S. Hundal,
Chamber No. 82, District Court Complex,
S.A.S. Nagar (Mohali).

.Appellant

Versus

Public Information Officer

O/o SDM,
Mini Sectt., Moga.

First Appellate Authority,

O/o SDM,
Mini Sectt., Moga.

.Respondent

APPEAL CASE NO. 34 OF 2017

PRESENT: (i) Sh. H.S.Hundal, the appellant.
(ii) None is present on behalf of the respondent.

ORDER:

This order may be read with reference to the previous order dated 13.11.2018.

2. The appellant states that till today, no compensation has been paid to him.

3. Neither the PIO is present for today's hearing nor has paid compensation amount to the appellant, which shows that he has no regard to the orders of the Commission.

4. The perusal of the file and the conduct of the respondent have proved that he has not performed his duty as mandated by the RTI regime, which shows that he has no regard for the orders issued by the Commission and respect for the law which has been passed for ensuring transparency & accountability. Disregard of the law of the land is intolerable and he is not only delaying the information to the appellant but is making mockery of it which needs to be condemned. Such kind of behavior of a Government employee needs to be condemned and such employees need to be taught a good lesson so that rest of the employees have a right kind of message to wake up and perform their duties under the RTI Act for ensuring complete transparency and due accountability in the governance affairs of the public authorities.

Contd.p-2

5. It transpires that he has provided information after the lapse of more than one year. There has been unnecessary delay in conveying the correct state of affairs to the complainant in regard to his request for information. His explanation for delay has been unsatisfactory given by the respondent. Rather, his failure to even respond to the show cause direction by the Commission reinforces the fact that he has been without any reasonable cause, guilty of remissness in the discharge of his duties. He, therefore, deserves to be penalized.

6. In view of the facts stated above, the conduct of the official needs to be condemned and the ends of justice will be met by imposing penalty.

I, therefore, **impose necessary penalty of Rs. 5,000/- (Rupees Five Thousand) from the date of the RTI application upon Sh. Gurwinder Singh Johal, SDM, Moga** having failed to perform his mandated duty and to submit any reply to the show cause notice issued to him. The amount of penalty i.e. Rs. 5,000/- should be deducted from his salary and be deposited in the treasury under head "0070-Other Administrative Services-60-Other Services-800-Other Receipts-86-Fees under the Right to Information Act." **The Deputy Commissioner, Moga shall ensure that this amount of penalty is deducted from the salary of the above said defaulting official** and deposited in the Treasury under the relevant head and he is warned to be very careful in future while dealing with RTI applications/appeal cases, any instructions/directions given by the Commission.

7. The matter to come up for further hearing now on **07.02.2019 at 11.30AM**. Copies of the order be sent to the parties.

**Chandigarh
19.12.2018**

Sd/-
**(Prof. Viney Kapoor Mehra)
State Information Commissioner**

CC: **Through (Regd. Post)
Sh. Gurwinder Singh Johal, SDM, Moga.
The Deputy Commissioner, Moga.**

Note: After the hearing was over, Sh. Sukhkiran Singh, Clerk appeared and stated that he presented in the Commission but has not heard the announcement of the case hearing, that is why, has not attended the case in time. He further states that he has brought the cheque of Rs. 5000/- to deliver it personally to the appellant. The respondent is directed to send the same by registered post to the appellant within two days under intimation to the Commission. The above said order regarding penalty of Rs. 5000/- upon Sh. Gurwinder Singh Johal, SDM, Moga is hereby, cancelled. The matter is simply adjourned for 07.02.2019 at 11.30AM.

**Chandigarh
19.12.2018**

Sd/-
**(Prof. Viney Kapoor Mehra)
State Information Commissioner**

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Adv H.S. Hundal,
Chamber No. 82, District Court Complex,
S.A.S. Nagar (Mohali).

.Appellant

Versus

Public Information Officer

O/o Secretary,
Regional Transport Authority,
Faridkot.

First Appellate Authority,

O/o Secretary,
Regional Transport Authority (Main Office),
SCO:177-178, Sector:17/C, Chandigarh.

.Respondent

APPEAL CASE NO. 2698 OF 2016

PRESENT: (i) Sh. H.S.Hundal, the appellant.
(ii) None is present on behalf of the respondent.

ORDER:

This order may be read with reference to the previous order dated 13.11.2018.

2. The appellant states that till today, complete information has not been supplied to him by the respondent.

3. Neither the PIO is present for today's hearing nor has brought the original record today in the Commission, which shows that he has no regard to the orders of the Commission.

4. The perusal of the record reveals that in this case, the appellant has tried his best to get the information from the PIO who failed to provide the information to the applicant. He has been made to run from pillar to post for getting the information, which he could not get even after the notice was issued by the Commission in the second appeal. He has suffered unnecessary detriments/harassment in getting the information at the hands of the PIO.

5. I have also looked into all the facts and circumstances of the case. In my view this is a fit case, where award of compensation under Section 19 (8) (b) is also called for. I have no doubt in my mind that this state of affairs has also come about on account of the absence of adequate machinery for handling the RTI work in the o/o **DTO, Moga now Secretary, Regional Transport Authority, Faridkot** is thus, responsible for the inadequate handling of the

RTI requests and in the instant case as well. I, therefore, order that **compensation of Rs. 2,000/- (Rs. Two thousand only)** be paid to the appellant for the detriments suffered by him. This amount shall be payable from the funds of the o/o **DTO, Moga now Secretary, Regional Transport Authority, Faridkot** by way of Demand Draft to the appellant within one month.

6. The matter to come up for further hearing now on **07.02.2019 at 11.30AM**. Copies of the order be sent to the parties.

**Chandigarh
19.12.2018**

Sd/-
**(Prof. Viney Kapoor Mehra)
State Information Commissioner**

Through (Regd. Post)

CC: Sh. Gurwinder Singh Johal, SDM, Dharamkot (Moga).

*Note: After the hearing was over, Sh. Sukhkiran Singh, Clerk appeared and stated that he presented in the Commission but has not heard the announcement of the case hearing, that is why, has not attended the case in time. He further files written reply of Sh. Gurwinder Singh Johal, SDM, Dharamkot mentioning therein that the RTI application was dated 23.05.2016 and first information has been sent by the DTO, Moga to the appellant on 03.06.2016. He further adds that he joined as DTO Moga on 02.11.2016 after five months, so the delay is not on his part and affidavit has already been filed by him in this regard. **Sh. Gurwinder Singh Johal, SDM, Moga and DTO, Moga during the period of RTI application dated 23.05.2016 both are directed to appear personally on the next date of hearing.***

**Chandigarh
19.12.2018**

Sd/-
**(Prof. Viney Kapoor Mehra)
State Information Commissioner**

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden
Sector:16, Chandigarh
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Adv H.S. Hundal,
Chamber No. 82, District Court Complex,
S.A.S. Nagar (Mohali).

.Appellant

Versus

Public Information Officer

O/o Secretary,
Regional Transport Authority,
Faridkot.

First Appellate Authority,

O/o Secretary,
Regional Transport Authority (Main Office),
SCO:177-178, Sector:17/C, Chandigarh.

.Respondent

APPEAL CASE NO. 2841 OF 2016

PRESENT: (i) Sh. H.S.Hundal, the appellant.
(ii) None is present on behalf of the respondent.

ORDER:

This order may be read with reference to the previous order dated 13.11.2018.

2. The appellant states that till today, complete information has not been supplied to him by the respondent.

3. Neither the PIO is present for today's hearing nor has brought the original record today in the Commission, which shows that he has no regard to the orders of the Commission.

4. The perusal of the file and the conduct of the respondent have proved that he has not performed his duty as mandated by the RTI regime, which shows that he has no regard for the orders issued by the Commission and respect for the law which has been passed for ensuring transparency & accountability. Disregard of the law of the land is intolerable and he is not only delaying the information to the appellant but is making mockery of it which needs to be condemned. Such kind of behavior of a Government employee needs to be condemned and such employees need to be taught a good lesson so that rest of the employees have a right kind of message to wake up and perform their duties under the RTI Act for ensuring complete transparency and due accountability in the governance affairs of the public authorities.

Contd.p-2

5. It transpires that he has provided information after the lapse of more than one year. There has been unnecessary delay in conveying the correct state of affairs to the complainant in regard to his request for information. His explanation for delay has been unsatisfactory given by the respondent. Rather, his failure to even respond to the show cause direction by the Commission reinforces the fact that he has been without any reasonable cause, guilty of remissness in the discharge of his duties. He, therefore, deserves to be penalized.

6. In view of the facts stated above, the conduct of the official needs to be condemned and the ends of justice will be met by imposing penalty.

I, therefore, **impose necessary penalty of Rs. 10,000/- (Rupees Ten Thousand) from the date of the RTI application upon Sh. Gurwinder Singh Johal, SDM, Moga** having failed to perform his mandated duty and to submit any reply to the show cause notice issued to him. The amount of penalty i.e. Rs. 10,000/- should be deducted from his salary and be deposited in the treasury under head "0070-Other Administrative Services-60-Other Services-800-Other Receipts-86-Fees under the Right to Information Act." **The Deputy Commissioner, Moga shall ensure that this amount of penalty is deducted from the salary of the above said defaulting official and deposited in the Treasury under the relevant head and he is warned to be very careful in future while dealing with RTI applications/appeal cases, any instructions/directions given by the Commission.**

7. The matter to come up for further hearing now on **07.02.2019 at 11.30AM**. Copies of the order be sent to the parties.

**Chandigarh
19.12.2018**

Sd/-
**(Prof. Viney Kapoor Mehra)
State Information Commissioner**

Through (Regd. Post)

**CC: Sh. Gurwinder Singh Johal, SDM, Moga.
The Deputy Commissioner, Moga.**

Note: After the hearing was over, Sh. Sukhkiran Singh, Clerk appeared and stated that he presented in the Commission but has not heard the announcement of the case hearing, that is why, has not attended the case in time. He further files written reply of Sh. Gurwinder Singh Johal, SDM, Moga mentioning therein that the RTI application was dated 15.06.2016 on 10 points and the information which was available in the office supplied to him vide letter dated 14.07.2016 and information regarding point no. 8 was voluminous and the appellant was advised to inspect the record but he had not visited their office. He further adds that an affidavit has

*already been filed in this regard on 31.10.2018 that the information which was available stands supplied and nothing is pending to be given to him. **Sh. Gurwinder Singh Johal, SDM, Moga and DTO, Moga at the time of filing the RTI application dated 15.06.2018 both are directed to appear personally on the next date of hearing.** The above said order regarding penalty of Rs. 10000/- upon Sh. Gurwinder Singh Johal, SDM, Moga is hereby, cancelled. The matter is simply adjourned for 07.02.2019 at 11.30AM. Copies of the order be sent to the parties.*

**Chandigarh
19.12.2018**

**Sd/-
(Prof. Viney Kapoor Mehra)
State Information Commissioner**

