

PUNJAB STATE INFORMATION COMMISSION
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Sh K.N.S Sodhi,
1634, Sector-70, Mohali.

... Appellant

Versus

Public Information Officer,
O/o GMADA, Sector-62,
Mohali.

First Appellate Authority,
O/o GMADA, Sector-62,
Mohali.

...Respondent

Appeal Case No. 1564 of 2019

PRESENT: Sh.K.N.S.Sodhi as the Appellant
Sh.Gurvinder Singh PIO for the Respondent

ORDER:

The case was first heard on 25.11.2019. The representative appeared on behalf of the appellant informed that the appellant had inspected some of the files produced by the PIO on 01.11.2019 and specified the required documents. The representative, however, sought adjournment for further hearing in the month of Feb.2020. The case was adjourned.

The case was again heard on **25.02.2020**. The appellant informed that he had inspected the record and specified the information to the PIO but the PIO has not provided the information. The respondent was absent. The PIO was directed to provide the information as specified by the appellant within 15 days and send a compliance report to the Commission.

On the date of the hearing on **18.06.2020**, the appellant informed that the PIO has not provided the information.

The respondent was absent nor had complied with the order of the Commission. The PIO was given one more opportunity to comply with the earlier order of the Commission and provide the information within 10 days. The PIO was also directed to appear personally before the Commission on the next date of hearing and explain the reasons for not providing the information within the time prescribed under the RTI Act.

On the date of the last hearing on **10.03.2021**, the appellant claimed that despite the order of the Commission to provide the information within 10 days, the PIO has not provided the correct and complete information.

Since there has been an enormous delay of more than two years in providing the information, the PIO was issued a **show-cause notice under Section 20 of the RTI Act 2005 and directed to file a reply on an affidavit**. The PIO was directed to sort out the matter and provide the complete information to the appellant within 15 days and send a compliance report to the Commission.

A copy of the order was sent to the Administrator, GMADA with the direction to enquire into the matter and ensure that the information is provided to the appellant as per the RTI Act in this case, as well as in appeal cases No.1565/2019, 1566/2019, 1567/2019, 1568/2019, 1569/2019 and 1570/2019 which are lying pending for more than two years. It was also brought to the notice of the Administrator GMADA that the RTI Act is not being implemented with earnestness in the organization and there is a casual approach while dealing with RTI Applications.

Hearing dated 25.06.2021:

The case has come up for hearing today through video conferencing at DAC Mohali. As per the appellant, despite the order of the Commission to provide the information within 15 days, the PIO has not supplied the information.

At the last hearing, the Commission observed that there has been an enormous delay of more than two years in providing the information in this case, as well as in appeal cases No.1565/2019, 1566/2019, 1567/2019, 1568/2019, 1569/2019 and 1570/2019, the PIO was issued a show-cause in all the cases and directed to file reply on an affidavit. The PIO was again directed to sort out the matter and provide complete information within 15 days of the receipt of the order.

The PIO has, however, failed to comply with the order of the Commission since the PIO has neither provided the information nor has filed a reply to the show-cause notice.

The PIO is given one last opportunity to file a reply to the show cause notice otherwise it will be presumed that the PIO has nothing to say in the matter and the commission will act against the PIO as per provisions of section 20 of the RTI Act.

Further, the Commission is 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 u/s 19(8)(b) of the RTI Act.

The PIO-GMADA Mohali is directed to pay an amount of **Rs.10000/-** via demand draft through Govt. 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 in the present case **as well as in appeal cases No.1565/2019, 1566/2019, 1567/2019, 1568/2019, 1569/2019 and 1570/2019.** The PIO is directed to duly inform the commission of the compliance of the order and submit proof of having compensated the appellant.

To settle the matter, which has taken undue delay, the PIO is directed to bring the entire record to the Commission on the next date of hearing (Case nos -No.1565/2019, 1566/2019, 1567/2019, 1568/2019, 1569/2019 and 1570/2019.) PIO to reach Commission's office positively at 9.00 AM along with complete record for inspection of the appellant) The appellant is also directed to reach Commission's office at 9.00 AM to inspect the record. This is also the final opportunity being provided to the appellant to inspect the record.

The case is adjourned. To come up for further hearing on **27.10.2021 at 11.00 AM.**

Chandigarh
Dated 25.06.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to :The Chief Administrator,
GMADA, Mohali.