

प्रेषक

जन सूचना अधिकारी एवं
जिला विकास एवं पंचायत अधिकारी,
नारनौल।

प्रेषित


श्री शमशेर सिंह पुत्र श्री बिशम्बर दयाल,
गांव व डाकखाना स्थाना,
तहसील कनीना जिला महेन्द्रगढ़।

क्रमांक 4660/एल.ए-पंचायत दिनांक 05.06.2018

विषय : जन सूचना अधिकार अधिनियम, 2005 के तहत सूचना उपलब्ध करवाने बारे।

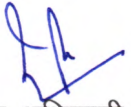
उपरोक्त के बारे आप द्वारा राज्य जन सूचना अधिकारी एवं अधीक्षक मुख्यमंत्री हरियाणा सरकार चण्डीगढ़ को भेजे गए प्रतिवेदन दिनांक 03.07.2017 जो निदेशक विकास एवं पंचायत विभाग के द्वारा राज्य जन सूचना अधिकारी कार्यालय उपायुक्त नारनौल को उक्त अधिनियम की धारा 6(3) के अन्तर्गत स्थानांतरित किया गया है। प्रतिवेदन में चाही गई इस कार्यालय से सम्बन्धित निम्न प्रकार से प्रेषित है:-

1. आप द्वारा माननीय मुख्यमंत्री महोदय के द्वारा संचालित पटल पर शिकायत क्रमांक सीएमऑफ/2017/000396 की गई थी, जिनकी स्थिति व इसके अपलोड जवाब को अपने पंजीकृत क्रमांक से <http://cmharyanacell.nic.in> पर क्लिक करके जानकारी ले सकते है।
2. आप द्वारा समय-2 पर माननीय मुख्यमंत्री महोदय के द्वारा संचालित पटल पर शिकायत क्रमांक सीएमऑफ/2017/000396, सीएमऑफ/2017/012478, सीएमऑफ/2017/025712, सीएमऑफ/2017/040456 व सीएमऑफ/2017/072559 की गई थी, जिनकी स्थिति व इसके अपलोड जवाब को अपने पंजीकृत क्रमांक से <http://cmharyanacell.nic.in> पर क्लिक करके जानकारी ले सकते है।
3. इस बिन्दु में वर्णित सूचना इस कार्यालय से सम्बन्धित नहीं है।


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पृ0 क्रमांक 4661-63/एलए-पंचायत दिनांक 05.06.2018

1. माननीय सूचना आयोग हरियाणा एसीओ नं0 70-71, सैक्टर 8सी, चण्डीगढ़ की सेवा में भेजकर अनुरोध है कि उपायुक्त महेन्द्रगढ़ स्थित नारनौल के कार्यालय द्वारा उपरोक्त केस की पैरवी व सूचना दिये जाने के लिए पृ0 क्रमांक 715/पी0ए0 दिनांक 05.06.2018 के द्वारा अधोहस्ताक्षरकर्ता को भेजा है। अपीलाधीन मामला मुख्य रूप से हरियाणा राज्य कृषि विपणन मण्डल भिवानी से सम्बन्धित है। तथा इस कार्यालय से सम्बन्धित सूचना नहीं मांगी गई है। फिर उपलब्ध बिन्दुवार सूचना प्रार्थी को भेज दी गई है।
2. राज्य जन सूचना अधिकारी कम अधीक्षक कार्यालय निदेशक विकास एवं पंचायत विभाग, चण्डीगढ़ की सेवा में उनके पत्र क्रमांक सहायक आरटीआई 2018/30971 दिनांक 11.05.2018 व 37700 दिनांक 30.05.2018 के सन्दर्भ में सूचनार्थ प्रेषित है।
3. उपायुक्त महेन्द्रगढ़ को सूचनार्थ प्रेषित है।


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STATE INFORMATION COMMISSION, HARYANA
SCO NO. 70-71, SECTOR 8-C, CHANDIGARH
SHOW CAUSE NOTICE NO. 762 and 763 OF 2018
IN APPEAL CASE NO. 9016 OF 2017
RIGHT TO INFORMATION ACT-UNDER SECTION 20

Relevant facts emerging from the show cause notice

Name of the appellant	Sh. Shamsheer Singh S/o Sh. Bishamber Dayal, Village & P.O. Syana, By Kanina, District Mahendergarh-123027. Mobile no. 9466666118	
Name of the Respondent	1. State Public Information -O/o-Director General, Development & Panchayats Department, Haryana, Sector-28A, Chandigarh. 2. State Public Information -O/o- Chief Administrator, Haryana State Agriculture Marketing Board, Sector-6, Panchkula.	
RTI application filed on	03.07.2017	
2 nd appeal decided on	09.04.2018	
Particulars of SCN No.	762/2018	763/2018
Show Cause Notice issued on	30.04.2018	30.04.2018
Reply to the SCN submitted on	24.05.2018	Nil
Date of hearing	06.06.2018	
Chief Information Commissioner	Shri Yash Pal Singal	
Present:	Shri Shamsheer Singh, appellant; Shri Suresh Chander, Superintendent; Shri Kuldip Singh, DDPO, Mahendergarh; Shri Sudesh Jindal, Xen (works).	

This case came up for hearing before the Commission in pursuance of Commission's order dated 09.04.2018 passed in appeal case 9016 of 2017. The Commission after hearing the matter concluded that the SPIO of the office of Director General, Development & Panchayats, Haryana and the SPIO of the office of the Chief Administrator, Haryana State Agriculture Marketing

1

SCN NO. 762 & 763 OF 2018 in AC NO. 9016 OF 2017



Board shall furnish permissible information to the appellant on the basis of available record of their respective public authorities within fifteen days of the receipt of this order qua RTI application dated 03.07.2017. The Commission afforded the appellant an opportunity to address rejoinder to the SPIOs concerned within fifteen days of the receipt of information in case he finds any deficiency in the information furnished to him. The respondent SPIOs were asked to furnish the specific information within next fifteen days to the appellant by removing the pointed out deficiencies in the rejoinder. Beside this, it was also decided to issue show cause notice to both the SPIOs asking them to show cause by 25.05.2018 as to why penalty in accordance with Section 20 (1) of the RTI Act, 2005 be not imposed upon them for the delay in furnishing information to the appellant. They were also asked to be present before the Commission on 06.06.2018.

2. Shri Suresh Chander, the SPIO-cum-Superintendent, Department of Development & Panchayats, Haryana submitted reply dated 24.05.2018 to the show cause notice 762 of 2018 which is taken on record. The respondent SPIO submitted that appellant's RTI application dated 03.07.2017 was received in the office of the answering respondent on 11.07.2017. The RTI application was transferred under Section 6 (3) of the RTI Act, 2005 to the SPIO of the office of the Deputy Commissioner, Narnaul vide letter dated 18.07.2017 for furnishing information to the appellant. He further submitted

2

SCN NO. 762 & 763 OF 2018 in AC NO. 9016 OF 2017



that information sought by the appellant was to be furnished either by the SPIO of the Deputy Commissioner, Narnaul or by the SPIO of the Haryana State Agriculture Marketing Board. Hence, he prayed to drop the penal proceedings initiated against him.

3. The SPIO-cum-District Development & Panchayat Officer, Narnaul vide letter dated 05.06.2018 submitted that information sought by the appellant was related to a complaint No. 000396/2017 lodged at CM Window which was uploaded on the portal concerned. The appellant was advised to download it from the website <http://cmharyanacell.nic.in> by using the password allotted to him by the concerned public authority.

4. Shri Sudesh Jindal, the SPIO-cum-Executive Engineer (Works), Haryana State Agriculture Marketing Board, Panchkula vide reply dated 30.05.2018 to the show cause notice 763 of 2018 submitted that all the complaints lodged by the appellant on CM Window were replied as per the procedure prescribed by the Chief Minister's Grievances Redressal Cell. While furnishing information to the appellant it was noticed from the Tehsildar, Kanina that the public authority of Haryana State Agriculture Marketing Board has constructed a road from village Chidiya to village Syana. But a patch of 700 meter road was left unconstructed within the boundary of Syana Village. The appellant wants construction of road on this left patch. The respondent SPIO further submitted that estimates of remaining portion

3

SCN NO. 762 & 763 OF 2018 in AC NO. 9016 OF 2017



of road from village Chidiya to Syana has been prepared by the office of the answering respondent which will be sent to the competent authority of the Haryana State Agriculture Marketing Board for approval. After the receipt of the approval the construction of road would be completed on the remaining patch of 700 meters. He also submitted that there was a dispute on the land and some litigation were also pending with the Hon'ble High Court which has now been settled.

5. Shri Shamsher Singh, the appellant is present and after hearing the averments submitted by the parties expressed his satisfaction with the information furnished by the respondent SPIOs. He however, wants directions to the respondent SPIO to furnish him a copy of the order whereby Hon'ble Punjab & Haryana High Court at Chandigarh once granted stay on the constructions of road and later on the stay was vacated. The respondent SPIO agreed to provide the copies of the documents within couple of days.

6. The Commission carefully heard the averments submitted by both the parties and perused the record of the case. The Commission noted the averments of the appellant and assurance of the respondent SPIO for furnishing of the copies of the stay order and stay vacation order to the appellant within couple of day. The Commission has also perused the reply submitted by the respondent SPIOs with regard to show cause notices served to them and observed that both the SPIOs responded to the

4

SCN NO. 762 & 763 OF 2018 in AC NO. 9016 OF 2017




complaints on Chief Minister's Grievances Redressal Cell by uploading their replies. They have followed the procedure prescribed for this purpose. The Commission, thus, does not find any malafide in responding to the RTI application by the respondent SPIOs which may lead to imposition of penalty for the delay in furnishing information to the appellant.

7. In view of the above noted facts, the Commission disposes of the appeal as under:

- (i) The SPIO-cum-Executive Engineer (Works), Haryana State Agriculture Marketing Board, Panchkula to furnish copy of stay order including the vacation of stay passed by the Hon'ble Punjab & Haryana High Court as discussed in para 5 and 6 of the above order within fifteen days from the receipt of this order.
- (ii) In case, the appellant finds any deficiency in the information furnished to him, may address specific rejoinder to the respondent SPIO with a copy to the Commission within fifteen days of the receipt of information/documents. The respondent SPIO shall furnish specific information to the appellant by removing the noted deficiencies within next fifteen days.
- (iii) Penal proceedings initiating under Section 20 (1) of the RTI Act vide show cause notices 762 and 763 of 2018 against both the respondent SPIOs are hereby dropped.

Announced. To be communicated.

**Place : Chandigarh.
Dated: 06.06.2018**


**(Yash Pal Singal)
Chief Information Commissioner,
Haryana.**

SCN NO. 762 & 763 OF 2018 in AC NO. 9016 OF 2017