

**BEFORE STATE INFORMATION COMMISSION HARYANA,  
CHANDIGARH.**

**ENQUIRY UNDER SECTION 18(2) OF THE RIGHT TO INFORMATION ACT,  
2005.**

**SHOW CAUSE NOTICE No.0010 of 2009 UNDER SECTION 20(1)  
IN Case No.0135 of 2008.**

Shri Ramesh Kumar Sharma,  
# 10 & 11, Sector 1, Narnaul.

**...Complainant.**

**Versus**

SPIO-cum-Estate Officer, HUDA, Rewari.

**...Respondent.**

**Present**

Shri Roshan Lal, SPIO-cum-Estate Officer, HUDA Rewari {presently posted as SDO (Civil), Tohana} respondent.

**Facts:-**

This matter has arisen in pursuance of the orders passed by the Commission in this case on 14.1.2009.

In response to the notice issued by the Commission, the then SPIO-cum-Estate Officer, HUDA, Rewari has sent his reply vide letter dated 13.2.2009 which is already available on record. It has been mentioned in the reply that no delay was involved since the information was supplied from time to time. A request has also been made to waive of the penalty of Rs.5,000/-. As regards the absence of a representative at the time of the hearing, it was explained that the ADA of the department in spite of directions did not attend the hearing. The Commission fixed 25.3.2009 to hear the matter but the SPIO did not appear on this date. A request was received from him to postpone the hearing to some other date since he was busy in connection with election work. Accepting his request the Commission postponed the case to 20.5.2009. Since he did not appear on that date he was again called on 23.6.2009 when once again he failed to appear before the Commission. The case was rescheduled for 5.8.2009 where again he was not present. In a detailed interim order passed on

5.8.2009 the Commission expressed its unhappiness at the repeated absence of the officer in spite of directions from the Commission and fixed the date for hearing for today. He was further informed that in case he did not appear today before the Commission the matter will have to be reported to the Chief Secretary to Government, Haryana for taking disciplinary action against him in addition to finalization of pending proceedings against him. The officer has appeared before the Commission in pursuance of the directions issued on 5.8.2009.

The Commission does not find any substance in the reply to the Show Cause Notice filed by the officer. There is no explanation for the delay of five months when the first response went from the SPIO to the application filed by the complainant. Even this response was not adequate as full information was not furnished. Nobody appeared at the time of the hearing on 14.1.2009. Instead of deputing an officer a postponement was requested by the ADA of the Department. Even after passing of the orders by the Commission on 14.1.2009 these were not complied with by 10.2.2009 and no compliance report was also sent to the Commission. The complainant vide his communication dated 23.6.2009 has pointed out that the orders have not been complied with and information still has not been furnished in full by the department. He has also not been paid the compensation of Rs.5,000/- as ordered by the Commission. During the hearing it transpired that till today the compensation amount has not been paid to the complainant. In fact at the time of the hearing the officer informed that he has sent telephonic instructions to the staff of Estate office, HUDA, Rewari to send the cheque for Rs.5,000/- and intimate him by fax at Chandigarh. At the conclusion of the hearing a fax copy of the communication dated 8.9.2009 addressed to the complainant enclosing the Demand Draft for Rs.5,000/- was placed before the Commission and taken on record. To a query from the Commission as to why there was a delay of more than eight months in payment of the compensation amount, the officer had no explanation and pointed out that the office Superintendent and the RTI Clerk posted in Estate Office, HUDA, Rewari were responsible for this lapse. The Commission finds this casual attitude of the officer extremely unsatisfactory and feels that the complainant has again faced a lot of

harassment in getting the orders of the Commission implemented from the SPIO. It is therefore appropriate that he is suitably compensated for this purpose by the Commission. The inaction on the part of the Estate Office on the orders passed by the Commission on 14.1.2009 is a serious matter and needs to be investigated. The following directions are, therefore, hereby given in this case: -

1. A sum of Rs.3,000/- (Rupees three thousand only) shall be paid as compensation to the complainant by the SPIO-cum-Estate Officer, HUDA, Rewari under Section 19(8)(b) of the Act for the enormous delay in getting full information and the harassment caused due to non compliance of the orders of the Commission. This payment of Rs.3,000/- shall be made to him by 30.9.2009 under intimation to the Commission.
2. Before finalizing the penal proceedings against the officer the Commission would like to peruse the file of this case to see as to what action was taken on the original application of the complainant in the Estate Office till the first reply was sent on 19.8.2008. The dealing officials along with Superintendent of the Estate Office shall produce the original file for inspection of the Commission **on 20.10.2008 at 1.00 PM.**

Announced. To be communicated.

**Place: Chandigarh**  
**Dated: 8.9.2008**

**(G. Madhavan)**  
**Chief Information Commissioner,**  
**Haryana, Chandigarh.**

