IN THE PUNJAB INFORMATION COMMISSION

Haider Ali Bhatti / Journalist

VS

Mr Nouman Baig / Executive Engineer operation Irrigation Department.

ORDER

Complaint under the Punjab Transparency and Right to Information Act 2013.

14.01.2019

Mr. Haider Ali Bhatti/ Complainant is present in person.
Mr Nouman Baig / Executive Engineer (operation) is present on behalf of Irrigation Department.

It has been intimated by respondent that three out of four information have already been forwarded to the Complainant vide 11-01-2019. A copy has also been furnished to the Complainant which contains three requisite information regarding a lift installed in the year 2017-18.

2. As regards the only missing information regarding details of work charge employees working under Rashid Minhas XEN CBDC Division Lahore, copies of six written directives purportedly issued by XEN (OP) dated 17-07-18, 08-11-18, 12-12-18, 281-12-18 AND 4-01-19 have been submitted stating that still Mr. Rashid Minhas has not bothered to respond. The Complainant states that Mr. Nouman Baig in addition to issuing said six directives, passed on directions to Mr. Rahid Minhas on telephone in his presence but he did not commit

to comply saying that nothing serious can take place. Mr Nouman Baig confirms this statement of complainant.

3. In view of above this is certainly a case of not only violation of law but also stubborn and defiant conduct which smacks of blatant in subordination to provide public information lying in his official custody. Mr Nouman Baig says that he has already done his level best by issuing as many as six Directives and making requests on telephone but in vain, in our view normal means to retrieve public information have been utterly failed necessitating an action under the law.

4. According to RTI Act 2013 each Govt. Department is under obligation to provide public information within 14 days of filing of application whereas in this case original application was filed to PIO/Secretary Irrigation department on 10-7-18 with dairy no. 3775 and Mr. Nouman Baig XEN(OP) appears to have promptly taken action by issuing directive 17-07-18 vide letter No. Works (II)2018/1537879 followed by five more directives (copies retained) and a number of telephonic requests remaining fruitless.

5. As per law the department has 14 days to provide information in ordinary cases and 14 days more in case of some difficulty. Although this is not apparently a case involving some difficulty yet we are inclined to liberally grant an opportunity of 14+14=28 days starting from 10-07-18 when application was filed. Therefore, delay

after 8-818 is certainly culpable under the law keeping the above mentioned circumstances in view. Therefore delay with effect from 08-08-18 (after concession of maximum 28 days) till to date is safely of 150 days and obviously his case falls within the ambit of section 15 of RTI Act 2013. He is consequently imposed penalty with his two day's salary against each day of delay. In case the penalty computed accordingly exceeds Rs 50,000/- the order shall be effective only to the extent of Rs. 50,000/- the maximum provided under the law. A copy of this letter be also served upon Secretary Irrigation Department who shall ensure forfeiture of salary of delinquent officer Rashid Minhas XEN CBDC Division Lahore and to also initiate disciplinary proceedings for violating the law and in-subordination of senior officers of his department. A separate copy of letter be also served upon AG Punjab for compliance and report within seven days.

(Saeed Akhter Ansari)
Information Commissioner

(Hassan Iqbal)
Information commissioner

(Mehboob Qadir Shah)
Chief Information Commissioner