

PUNJAB, STATE INFORMATION COMMISSION
Sector-16, Madhya Marg, Near Rose Garden, Chandigarh

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Sh.Vijay Hans,
H No-3, Satya Niwas, Silver City,
Zirakpur

... Appellant

Versus

Public Information Officer,
O/o Superintendent of Personnel (IAS Branch),
Govt of Punjab, Chandigarh.

First Appellate Authority,
Under Secretary,
Department of Personnel (IAS Branch),
Govt of Punjab, Chandigarh.

...Respondent

Appeal Case No. 3287 of 2018

Present: **None for the Appellant**
 Sh.Saneev Sachdeva, Sr.Assistant, (IAS Branch) O/o Superintendent of
 Personnel for the Respondent

ORDER:

The case was first heard on **18.12.2018**. It was observed that the appellant had filed RTI application with the Department of Personnel & Training, Government of India which vide letter dated 28.04.2018, informed the appellant that the information regarding point No.1 i.e. the procedure adopted for selection from Non-SCS cadre to IAS cadre is in accordance with the IAS(Appointment by Selection) Regulations, 1997, a copy of which available on the website of DoP&T. For the information regarding points 2 to 4, they forwarded the application to the UPSC and the Chief Secretary, Government of Punjab, Chandigarh.

The appellant informed that he has received the information regarding point No.4 from the UPSC. Regarding information relating to points 2 & 3, the PIO, Department of Personnel, Punjab has rejected the information on the basis of the section 8(1)(j) of the RTI Act and that there is no larger public interest involved. The appellant also stated that if the UPSC could provide the information, then there was no harm in providing him the information on points 2& 3. The case was adjourned for adjudication on points 2&3.

The case was last heard on **12.02.2019**. The respondent present reiterated the PIO's earlier stand on the basis of which the information was rejected. The appellant was absent and the case was adjourned.

Hearing dated 01.04.2019:

The appellant is absent. The respondent has denied the information under section 8(1)(j) as well as stating that there was no larger public interest. The appellant claims that the information has been denied wrongfully. In his application, the appellant has made various allegations against the person about whom he has sought information and stated that the sought information has larger public interest. The appellant is given one last opportunity to appear before the Commission and produce credible evidence to substantiate his allegations and to establish that the disclosure of information has larger public interest.

The case is adjourned. To come up on **29.05.2019 at 11.00 AM** for further hearing.

Chandigarh
Dated: 01.04.2019

(Khushwant Singh)
State Information Commissioner

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Sh.Arun Garg, S/o Sh Sham Lal,
40-41, Central Town, Village Dad,
P.O LaltonKalan, Distt Ludhiana.

... Appellant

Versus

Public Information Officer,
Deputy Chief Engineer, DS City West Circle,
PSPCL, Ludhiana.

First Appellate Authority,
Chief Engineer, DS Central,
PSPCL, Ludhiana

...Respondent

Appeal Case No. 2615 of 2018

Present: None for the Appellant
 Sh.M.P.Singh Addl. SE, O/o Dy. Chief Engineer, PSPCL Ludhiana for the
 Respondent

ORDER: The case was first heard on **30.10.2018**. The respondent present pleaded that the complete information has been provided to the appellant. The appellant was absent and vide email informed that the information which has been provided by the PIO after 9 months of his RTI application is incomplete and incorrect. The PIO was directed to submit explanation with solid reasons for delay in tending to the RTI application on an affidavit. The appellant was directed to point out discrepancy if any and be present on the next date of hearing.

The case was again heard on **04.12.2018**. The respondent present pleaded that the information has already been provided to the appellant. The appellant was absent and vide email pointed out discrepancies in the information provided and a copy of the same was handed over to the respondent to look at it and sort out the discrepancies and provide the information to the best possible extent within 10 days.

The respondent also submitted an affidavit explaining the reasons for delay in attending to the RTI application which was taken on the file of the Commission.

The case again came for hearing on **23.01.2019**. The respondent present informed that in compliance with the order of the Commission, the available information has been provided to the appellant vide letter dated 11.12.2018 and a copy of the same is submitted to the Commission. The appellant was absent and vide email informed that the information was incomplete and misleading. The PIO was directed to send the information once again to the appellant with an affidavit stating that the information provided as per record, is true and correct.

The case was last heard on **27.02.2019**. The order is reproduced hereunder:

“The case has come up for hearing today through video conference facility available in the office of the Deputy Commissioner, Ludhiana. The respondent present pleaded that the information has been provided to the appellant on 11.12.2018. The appellant stated that the information provided was incomplete since he had sought date-wise action taken on new domestic electric connection application and also the information was provided after filing first appeal. The respondent further informed that in compliance with the order of the Commission, the appellant has also been provided with an affidavit. Having gone through the reply, the Commission directs the PIO to provide complete file of the case from the time of application to the filing of RTI application within 3 days.

The Commission observed that there has been enormous delay of 9 months in handling the RTI application after which the Commission had asked the PIO to file an affidavit explaining the reasons for delay which he did on 03.12.2018. Having gone through the reply, the Commission observed that the deponent's plea of combining the RTI application and the appellant's complaint for not installation of election connection together is not in order, nor is the PIO's stand of treating a reply to the complaint as a RTI reply. The RTI application has to be dealt with separately and the information has to be provided within 30 days.

Given the above circumstances, the PIO is directed to **show cause why penalty be not imposed on him under Section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time** and for not complying with the order of the Commission, he should file an affidavit in this regard. If there are other persons responsible for the delay in providing the information, the PIO is directed to inform such persons of the show cause and direct them to appear before the Commission along with the written replies. The PIO is also directed to provide information to the appellant within 3 days of the receipt of order.

The PIO in the affidavit has also stated that the appellant has preferred second appeal without filing first appeal. The appellant even though has claimed that he has filed first appeal, the appellant is asked to submit proof of filing first appeal."

Hearing dated 01.04.2019:

The respondent present pleaded that in compliance with the order of the Commission, a copy of the complete file of the case has been sent to the appellant. The respondent has also brought the relevant file. Having gone through the file, I am satisfied that the information has been provided to the best possible extent.

Regarding reply to the show cause notice issued to the PIO at the last hearing, the respondent has filed an affidavit.

The case is adjourned for adjudication on **29.05.2019 at 11.00 AM.**

Chandigarh
Dated: 01.04.2019

(Khushwant Singh)
State Information Commissioner