

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
Ph: 0172-2864117, Email: - psic27@punjabmail.gov.in
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Helpline No. 0172-2864100



Sh Karnail Singh Neelawal, Conveenor
Ambedkar ChetnaManch, Punjab
Head office, VillageNeelawal,
Tehsil Sunam, Distt: Sangrur

.....Appellant

..Vs

Public Information Officer,
O/o CDPO, Sunam-I, Distt: Sangrur

First Appellate Authority
O/o District Program Officer, Sangrur

.....Respondent

AC No. 4315 of 2019
Through video conference

Present : None for the parties

ORDER

This order may be read with reference to the previous order dated 28.07.2020 vide which last opportunity was given to the appellant to send a clear copy of the deficiencies pointed out by him.

2. Today neither the appellant nor the respondent is present.
3. One last opportunity is given to both the parties to appear before the Commission and state their case. It is made clear that in case both the parties do not appear on the next date of hearing, appropriate order in their absence shall be passed.
4. To come up on **19.11.2020 at 11.00 AM** through video conference facility in the office of Deputy Commissioner, Sangrur. Copy of the order be sent to the parties.

Chandigarh
Dated: 01.09.2020

Sd/-
(Preety Chawla)
State Information Commissioner
Punjab

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Sh. Malkeet Singh, S/o Sh. Jeet Singh
House No. 230, W No. 7, Mohalla Subhash Nagar
Sunam Udham Singh Wala, Distt. Sangrur - 148028

.....Appellant

..Vs

Public Information Officer,
O/o Deputy Commissioner, Sangrur
First Appellate Authority
O/o Deputy Commissioner, Sangrur

.....Respondent

AC No. 1203 of 2020
Through Video conference

Present : (i) Sh. Malkeet Singh the appellant
(ii) For the respondent : Sh. Gurdarshan Singh, Reader to SDM Sunam
(9915427936)

ORDER

This order may be read with reference to the previous order dated 28.07.2020 vide which last opportunity was given to the appellant to send a clear copy of the deficiencies pointed out by him.

2. The respondent states that, as directed by the Commission the appellant has again inspected the record.
3. The appellant states that he is not satisfied.
4. Since, the appellant is not satisfied, the respondent is directed to file self-declaration stating that the appellant has inspected complete record and nothing has been left in their official record.
5. To come up on **19.11.2020 at 11.00 AM** through video conference facility in the office of Deputy Commissioner, Sangrur. Copy of the order be sent to the parties.

Chandigarh
Dated: 01.09.2020

Sd/-
(Preety Chawla)
State Information Commissioner
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Sh. Gursewak Singh, S/o Shri Amarjit Singh
R/o Village Bhamba Landa, Tehsil and Distt. Ferozepur

-----Appellant

Vs.

REGISTERED POST:

Public Information Officer,
O/o DDPO, Ferozepur

First Appellate Authority
O/o DDPO, Ferozepur

-----Respondent

Appeal Case No. 1446 of 2019

Alongwith

Appeal Case no. 1445 of 2019

Through video conference

Present : (i) Sh. Gursewak Singh the appellant (9855279351)
(ii) None is present on behalf of the respondent

ORDER

This order may be read with reference to the previous order dated 04.08.2020 vide which the appellant states that neither he has received the information nor amount of compensation i.e. Rs. 2000/-

2. The respondent is again absent today.

3. Sh. Gursewak Singh- the appellant states that neither the information has been provided to him nor the amount of compensation awarded by the Commission has been paid to him so far. The Commission takes a serious view of this matter and is constrained to enhance the amount of compensation from Rs. 2000/- to Rs. 5000/- (Rs. Five Thousand only). Besides, the Commission would also consider invoking of penalty provisions against the respondent-PIO in case he fails to provide the required information and payment of the awarded compensation. The respondent may provide the information to the appellant and make the payment of compensation to him before the next date of hearing by way of Demand Draft. A compliance report in this regard be sent to the Commission accordingly.

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Appeal Case No. 1446 of 2019
Alongwith
Appeal Case no. 1445 of 2019

4. To come up on **29.09.2020 at 10.30 AM** for further proceedings in the office of Deputy Commissioner, Ferozepur through Video Conference facility. Copy of the order be sent to the parties.

Sd/-

Chandigarh
Dated: 01.09.2020

(Preety Chawla)
State Information Commissioner
Punjab

Registered post

CC: 1.The Director Department of Rural Development and Panchayats, Third Floor, Vikas Bhawan, Sector 62, Phase 8, SAS Nagar for necessary action.

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Sh. Sukhchain Singh, S/o shri Karnail Singh
Village, Kallan, Tehsil and Block Khadur Sahib,
Tarn Taran

-----Appellant

Vs.

REGISTERED POST : **Public Information Officer,**
O/o BDPO, Khadoor Sahib, Distt. Tarn Taran

First Appellate Authority
O/o DDPO, Tarn Taran

-----Respondent

Appeal Case No. 2707 of 2018

Through video conference

Present : (i) Sh. Sukhchain Singh the appellant
(ii) For the respondent : Sh. Prabhjeet Singh, Panchayat Secretary (9877223241)

ORDER

This order may be read with reference to the previous order dated 04.08.2020 vide which the respondent was not present.

2. Today the respondent states that the information has been provided to the appellant. Sh. Rajinder Kumar Gupta has informed on telephone that he is unable to attend the hearing.

3. The perusal of the file shows that the respondent Sh. Rajinder Kumar Gupta has sent his reply mentioning therein that The Hon'ble State Information Commissioner Sh. Yashvir Mahajan, vide its order dated 30.10.2019 imposed a penalty of Rs. 25000/- on him for delay in furnishing information beyond 100 days. The above-said order of the Hon'ble State Information Commissioner is not good. He further adds that the PIOs of the Gram Panchayat are designated by the Govt. notification and Panchayat Secretary is the designated PIO of Gram Panchayat. He wants to review/recall the orders of Hon'ble former State Information Commissioner, Sh. Yashvir Mahajan.

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Appeal Case No. 2707 of 2018

I have gone through the reply of the respondent and have not agreed with the same. The perusal of the file clears that the former SIC Sh. Yashvir Mahajan had imposed penalty on the then BDPO in his order dated 03.10.2019.

4. The respondent may take note that there is no provision in law which may give power to the Information Commission to review its orders passed under Sections 18 or 19 of the Right to Information Act, 2005. The Information Commissioners do not have the authority or jurisdiction to review their own decisions, once such decisions are taken on merit, after hearing the parties and after observing due procedure. At best, it was averred, that an inherent powers of review could be implied to correct an apparent error of fact or a technical mistake such as an error in the name of parties or date, which may have occurred in the course of dictation of judgment. It is therefore, pleaded that the present review applications by Sh. Rajinder Kumar Gupta is neither maintainable nor there is any basis in the eyes of law to entertain it. It was also submitted that the respondent PIO has made itself liable for compensation/penalty under Section 20 of the RTI Act by causing unnecessary harassment to the appellant. No new facts have been discovered nor there is any error of facts or law on the face of the record. In any case, the State Commission has no jurisdiction to review its orders. Therefore, no reliance could be placed on these rulings.

5. Accordingly the review application filed by the appellant is dismissed. The respondent BDPO is directed to deposit penalty amount before the next date of hearing and compliance report in this regard be sent to the Commission accordingly.

6. Director, Department of Rural Development and Panchayats, are directed to take necessary action and sent compliance report to the Commission.

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Appeal Case No. 2707 of 2018

7. To come up on 29.09.2020 at 10.30 AM for further proceedings in the office of Deputy Commissioner, Tarn Taran through Video Conference facility. Copy of the order be sent to the parties.

Sd/-

Chandigarh
Dated: 01.09.2020

(Preety Chawla)
State Information Commissioner
Punjab

Registered post

- CC: 1. Director, Department of Rural Development and Panchayats, Sector 62, SAS Nagar for necessary action.
2. Sh. Rajinder Kumar Gupta, House No. 33, New Vikas Nagar, Baltana, Backside Shagun Hotel, Zirakpur for information.

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Sh Gagnish Singh Khurana, Gen. Secy (M: 9814419611)
Focal Point 34, Acre Association (Mangli),
K-293, Phase-VIII, Focal Point, Ludhiana-141010

.....Appellant

..Vs

Public Information Officer,
O/o General Manager, PSIEC, 18 Himalaya Marg,
Udyog Bhawan Sector 17, Chandigarh

First Appellate Authority
PSIEC, 18 Himalaya Marg,
Udyog Bhawan Sector 17, Chandigarh

.....Respondent

AC No. 950 of 2020
(Through CISCO-WEBEX)

Present (i) Sh Gagnish Singh Khurana, Appellant (9814419611)
(ii) None for the Respondent

ORDER

This order may be read with reference to the previous order dated 27.07.2020.

2. No one has appeared on behalf of the respondent today. However, the Respondent has sent his reply vide Commission diary no. 10285 dated 20.08.2020 mentioning therein that “ *In this regard, it is intimated that information sought under RTI Act by appellant Sh. Gagnish Singh Khurana, General Secretary, Focal Point 34 Acre Association (Mangli), K-293, Phase-VIII, Focal Point, Near Hero Cycle (Mangli), Ludhiana has already been supplied to him vide this office letter no. PSIEC/Estate/RTI/5819-20 dated 07.07.2020*”

3. The Appellant Sh. Gagnish Singh Khurana states that he has received the same, but is not satisfied with it.

4. The perusal of the file shows that no one has appeared on behalf of the Respondent today. Even, the respondent was not present on the last date of hearing. After hearing the appellant, it is observed that he is not satisfied with the information provided. Hence, the Respondent-PIO is directed to call the Appellant on mobile no. (9814419611) within ten days from the receipt of this order to their office, inspect of record. The Appellant shall visit the office of the Respondent on the date fixed mutually by both the parties, inspect the relevant records, identify the documents copies whereof are required by him; and the respondent shall provide

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AC No. 950 of 2020

copies thereof, according to his RTI application, in accordance with the relevant provisions of the RTI Act, 2005.

5. Last opportunity is given to the Respondent-PIO is also directed to be present on the next date of hearing failing which action U/s 20(1) of the RTI Act will initiated.

6. To come up on **29.09.2020 at 11:00AM through CISCO-WEBEX (Video-conferencing application)** Copy of the orders be sent to the parties.

(Usage Steps: Install CISCO Webex<click on JOIN MEETING, Write Meeting Number:919860773)

Dated: 01.09.2020

Sd/-
(Preety Chawla)
State Information Commissioner
Punjab

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Sh Ravi Kumar S/o Shri Dharminder Kumar, (M:- 9356037575)
R/o House No. 107, Near SantpurGurudwara Sahib
Patiala Gate, SangrurAppellant

Vs

Public Information Officer,
O/o EO, Nagar Council,
Sangrur
First Appellate Authority,
O/o Deputy Director, Local Bodies Govt.
PatialaRespondent

AC. No. 1125 of 2020
(Through Video-Conferencing)

Present: (i) Sh. Ravi Kumar, the appellant (9356037575)
(ii) for the respondent- Sh Arjan Dev, JE (98153-10653)

ORDER

This order may be read with reference to the previous order dated 28.07.2020.

2. The Appellant Sh. Ravi Kumar states that he has not received the complete information so far.
3. The Respondent states that the information sought by the Appellant is not available in their official record.
4. After hearing both the parties and perusing the case file, it is ascertained that the information has not been provided to the Appellant. The Respondent states that the information sought by the Appellant is not available with them. Hence, the Respondent-PIO is directed to file his reply stating the same on oath, before the next date of hearing with a copy to the appellant.
5. To come up on **19.11.2020 at 11:00AM through Video-conferencing facility in the office of DC, Sangrur.** Copy of the orders be sent to the parties.

Sd/-

Dated: 01.09.2020

(Preety Chawla)
State Information Commissioner
Punjab