



Sh. Jatinder Kumar,
C/o Sachkhand Mishthan Bhandhar,
Nehru Gate, Nawanshehar.

... Appellant

Versus

Public Information Officer,
O/o Principal Secretary,
Local Bodies, Sector-35-A,
Chandigarh.

First Appellate Authority,
O/o Principal Secretary,
Local Bodies, Sector-35-A,
Chandigarh.

...Respondent

Appeal Case No. 2782 of 2020

PRESENT: Sh.Jatinder Kumar as the Appellant
Sh.Ramninder Singh (LG-2) for the Respondent

ORDER:

The appellant through the RTI application dated 27.11.2019 has sought information regarding show-cause notices issued to Sh.Purshotam Kumar Municipal Engineer (Retired) during his service by different departments – a copy of charge sheet issued – a copy of the order of termination of Sh.Purshotam Kumar – a copy of department enquiry reports and other information as enumerated in the RTI application concerning the office of Principal Secretary, Local Bodies, Pb Chandigarh. The appellant was not provided with the information after which the appellant filed the first appeal before the First Appellate Authority on 27.07.2020 which took no decision on the appeal.

The case was last heard on 24.03.2021 through video conferencing at DAC Nawanshahar. As per the appellant, the information had not been provided.

As per the respondent, the information was not readily available, the appellant was asked to vide letter dated 16.07.2020 to specify the period of show cause/charge-sheet issued to the Municipal Engineer but the appellant did not specify the same.

During the hearing, the appellant asked that he be provided with the information from the period Purshotam Kumar became a Municipal Engineer till retirement.

The PIO was directed to relook at the RTI application and provide point-wise information to the appellant.

Hearing dated 01.11.2021:

The case has come up for hearing today through video conferencing at DAC Nawanshahar. The appellant claims that the PIO has not supplied the information despite the order of the Commission.

The respondent has submitted a reply to the Commission wherein the PIO has stated that the appellant has sought information of Sh. Purshotam Kumar, Municipal Engineer(Retired) and Sh. Purshotam Kumar has not given his consent to disclose his personal information(on the plea that Sh. Jatinder Kumar was found guilty for misusing the funds during his service and was dismissed and hence Sh. Jatinder Kumar may misuse the record against the department), and hence the sought information cannot be provided.

Appeal Case No. 2782 of 2020

The PIO is directed to send copies of all the information to the Commission in a sealed envelope so as to enable the Commission to arrive at a final decision.

The case is adjourned. To come up for further hearing on **18.01.2022 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Nawanshahar

Chandigarh
Dated 01.11.2021

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh Rohit Sharma,
Chamber No-320, Lawyers Chamber,
Second Floor, Distt. Courts, Bathinda.

... Complainant

Versus

Public Information Officer,
O/o SE, Water Supply & Sanitation Circle,
Kotakpura Road,
Sri Mukatsar Sahib.

...Respondent

Complaint Case No. 468 of 2020

PRESENT: None for the Complainant
None for the Respondent

ORDER:

The complainant through an RTI application dated 26.05.2020 has sought information regarding a certified copy of the logbook of the car allotted to SE from 01.04.2019 to 26,05,2020 – certificate copy of attendance register for the period 20.03.2020 to 26.05.2020 – list of terminated work under the world bank project-II from Jan.2018 till date and other information concerning the office of SE-Water Supply & Sanitation Circle Sri Mukatsar Sahib. The complainant was not satisfied with the reply of the PIO dated 30.06.2020 after which the complainant filed a complaint in the Commission on 21.09.2020.

The case first came up for hearing on 19.01.2021 through video conferencing at DAC Sri Mukatsar Sahib. Both the parties were absent.

Having gone through the file, the Commission observed that the reply of the PIO dated 30.06.2020, is vague and the PIO has not applied his mind to attend to the RTI application. There had also been an enormous delay in providing the information. The PIO was issued a **show-cause notice under section 20 of the RTI Act and directed to file a reply on an affidavit.**

The PIO was again directed to provide information to the appellant within 10 days and send a compliance report to the Commission.

On the date of the last hearing on **24.03.2021**, both the parties were absent.

The PIO had also not sent a reply to the show-cause notice. The PIO was given one last opportunity to appear before the Commission on the next date of hearing along with a reply to the show-cause notice, otherwise, it would be presumed that the PIO has nothing to say in the matter and the decision will be taken ex parte.

Hearing dated 01.11.2021:

The case has come up for hearing today through video conferencing at DAC Sri Mukatsar Sahib. The PIO is continuously absent on 3rd consecutive hearing nor has sent any reply to the show-cause notice. There has been an enormous delay of more than one year and five months in attending to the RTI application and there is nothing on record that shows that the PIO has supplied the information.

Complaint Case No. 468 of 2020

Since the responsibility to ensure the timely transmission of correct information to the appellants lies on the PIO, the PIO- SE, Water Supply & Sanitation Circle Sri Mukatsar Sahib is hereby held guilty for not providing the information on time as prescribed under section 7, which is within 30 days of the receipt of the request. He is also held guilty of repeated defiance of the orders of the Punjab State Information Commission to provide the information. Moreover, the PIO has chosen not to reply to the show cause, which can be inferred that the PIO has nothing to say on the matter.

Hence, given the above facts a penalty of **Rs.10,000/-** is imposed on the PIO- SE, Water Supply & Sanitation Circle Sri Mukatsar Sahib, which will be deposited in the Govt. Treasury. The PIO is directed to duly inform the Commission about the compliance of the orders by producing a copy of the challan as evidence of depositing the penalty in the Govt Treasury. The PIO

To come up for further hearing on **31.01.2022 at 11.00 AM** through a video conference facility available in the office of Deputy Commissioner, Sri Mukatsar Sahib.

Chandigarh
Dated 01.11.2021

Sd/-
Khushwant Singh
State Information Commissioner

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden, Sector 16, Chandigarh.
Ph: 0172-2864114, Email: - psicsic30@punjabmail.gov.in
Visit us: - www.infocommpunjab.com



Sh. Deven Munjal,
Ward No-19, Street NO-4, Roop Nagar,
Gidderbaha, Distt. Sri Mukatsar Sahib.

...Appellant

Versus

Public Information Officer,
O/o Tehsildar, Gidderbaha,
Distt. Sri Mukatsar Sahib.

First Appellate Authority,
O/o SDM, Gidderbaha,
Distt. Sri Mukatsar Sahib.

Respondent

Appeal Case No. 1227 of 2019

PRESENT: Sh. Deven Munjal as the Appellant
None for the Respondent

ORDER: This order should be read in continuation to the earlier order.

The case was first heard on 31.07.2019. The appellant claimed that the PIO has not provided the information. The respondent was absent. The commission received an email from the PIO stating that the appellant has been asked to get copies of NOCs regarding point-1 from the Sewa Kendra by depositing requisite fee and the information regarding point-2 has been sent to the appellant.

Having gone through the reply, the Commission observed that information is incomplete since the appellant in point-2 has asked for RTI applications which were replied to within the prescribed time of 30 days. The PIO had also not replied regarding points-3 & 4. The appellant was directed to inspect the record regarding point-1 by visiting the office of PIO by fixing a mutually convenient date and time and getting the relevant information. The PIO was directed to allow inspection of record and provide the information regarding point-1, in the form it exists.

Due to an enormous delay of 10 months in attending to the RTI application, the PIO was issued a **show-cause notice Section 20 of the RTI Act and directed to** file a reply on an affidavit. The PIO was again directed to provide the information to the appellant within 10 days.

On the date of hearing on **28.11.2019**, the respondent pleaded that the information has been supplied to the appellant vide letter dated 02.09.2019. The appellant claimed that despite the order of the Commission as well as the direction of the First Appellate Authority, the PIO has not allowed the inspection of records pertaining to the information regarding point-1. The PIO had also sent wrong and misleading information regarding points-2, 3 & 4.

Hearing both the parties, the Commission directed the PIO to relook at the RTI application and provide complete information on points 2,3& 4. Regarding point-1, the PIO to bring the original record to the Commission at the next date of hearing. The PIO was also directed to appear personally and file a detailed reply to the show-cause notice.

On the date of hearing on 25.02.2020, the appellant claimed that the PIO has not supplied the information on points 2 & 3. The PIO was absent. The representative who appeared on behalf of PIO brought some record which was not as per the information sought in point-1. The PIO had not provided the information on points 2 & 3.

Since the PIO was not appearing before the Commission despite various orders, a bailable warrant Under Section 18(3) of the RTI Act of the PIO-Tehsildar Gidderbaha was issued through Senior Superintendent of Police, Sri Mukatsar Sahib for his presence before the Commission on **08.04.2020**. **The PIO was** also directed to provide information on all three points and allow the inspection of record to the appellant regarding going-1. The First Appellate Authority,SDM, Gidderbaha was also directed to ensure compliance of this order.

On 08.04.2020, due to lockdown in the State, the case was postponed.

On the date of hearing on 16.06.2020, the PIO-Tehsildar Gidderbaha was absent nor had sent any reply to the show-cause notice. A fresh bailable warrant of PIO-Tehsildar Gidderbaha was again issued through SSP, Sri Mukatsar Sahib for his presence before the Commission on **15.07.2020 which** date was postponed to 07.09.2020.

On **07.09.2020**, the PIO vide email informed that due to the staff of SDM office having been found corona positive, the SDM Gidderbaha had ordered all the staff of SDM office and Tehsil Office to remain home quarantined from 05.09.2020 to 08.09.2020 and hence he was unable to appear before the Commission. The appellant vide email sought exemption.

On the date of hearing on **18.11.2020**, Sh. Jatinder Pal Singh, NaibTehsildar, appeared and informed that the information on points 2, 3 & 4 has been provided to the appellant and regarding the information on point-1, the appellant may get the information from the Suvidha Kenra by depositing the requisite fee.

The counsel for the appellant claimed that in the earlier order of the Commission, the PIO was directed to provide information on all three points and allow the inspection of record to the appellant regarding point-1 but the PIO has not allowed inspection of the record.

The respondent was directed to allow inspection of records relating to point-1 to the appellant on 14.12.2020 at 10.00 AM and provide the relevant information as per RTI Act but not more than ten sale/transfer deeds. The PIO was further directed to give ample time to the appellant to inspect the record. Should the appellant want information on more than ten sale/transfer deeds, he should avail the alternate source for procuring the same i.e. via the Suvidha Kendra.

The reply to the show-cause notice received from the PIO was taken on the file of the Commission. The decision on show cause was to be taken on the next date of hearing.

On the date of hearing on **19.01.2021**, as per the respondent, after inspecting the record, the appellant did not specify the sale/transfer deeds. As per the appellant, the inspection was not complete since the PIO did not allow inspection further. The appellant further informed that the information on points 2 & 3 was also incomplete.

Hearing both the parties, the Commission directed the PIO to allow the appellant to inspect the record relating to point-1 by allowing two more visits. The PIO was also directed to relook at points 2 & 3 and provide complete information as per available records. If there is no further information available then to file an affidavit that the information provided is complete, truthful and no other information is available regarding this RTI.

On the date of hearing on **24.03.2021**, **the** appellant informed that the information on point-2 has been provided but information on point-1 & 3 is pending. The appellant further informed that in spite of visiting the office of PIO, the information has not been provided.

Appeal Case No. 1227 of 2019

The PIO was given one last opportunity to comply with the earlier order of the Commission and provide complete information to the appellant on point-1 & 3. The information to be provided within 30 days.

Hearing dated 01.11.2021:

The case has come up for hearing today through video conferencing at DAC Sri Mukatsar Sahib. The appellant is present at Chandigarh and informed that he has received partial information on point-3, however, the PIO has not supplied the information on point-1.

The respondent is absent and vide email has sought adjournment on the plea that the PIO-Tehsildar Gidderebaha has been transferred and the Naib-Tehsildar Gidderbaha is on medical leave. However, the PIO has sent an affidavit stating that the available information has been provided to the appellant and no further information is available in the record.

I am not in agreement with the affidavit of the PIO, and hereby direct the PIO to provide a revised affidavit where it is specifically mentioned point-wise(i.e.point-1.. point-2.....) wherever information has been provided or no further information is available relating to this RTI application.

The case is adjourned. To come up for further hearing **31.01.2022 at 11.00 AM** through a video conference facility available in the office of Deputy Commissioner, **Sri Mukatsar Sahib**.

Chandigarh
Dated:01.11.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sector 16, Chandigarh.
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Sh. Ramesh Kumar, S/o Sh. Amar Nath,
H No-4-1652, Sardar Nagar,
Opposite Old Central Jail, Amritsar.

... Appellant

Versus

Public Information Officer,
O/o SSP, (Rural),
Amritsar.

First Appellate Authority,
O/o SSP, (Rural),
Amritsar.

...Respondent

Appeal Case No. 3585 2020

PRESENT: None for the Appellant
Sh.Davinder Pal Singh, ASI for the Respondent

ORDER:

The appellant through an RTI application dated 21.07.2020 has sought information regarding a copy of correspondence made/follow up done by the police Station Raja Sansi against Vinod Kumar, Neeraj Kumar and Vikramjit Sharma on the order of the court dated 05.12.2019 and other information as enumerated in the RTI application concerning the office of SSP(Rural), Amritsar. The appellant was not provided with the information after which the appellant filed first appeal before the First Appellate Authority on 25.08.2020 which took no decision on the appeal.

The case was last heard on 24.03.2021 through video conferencing at Amritsar. The respondent present pleaded that the case is pending cancellation in court.

The Commission received a reply from the PIO through email which was taken on the file of the Commission. In the reply, the PIO stated that as per the report of the concerned SHO, the case was wrongly registered and the cancellation report has been filed in the court of SDJM Radhika Puri which is pending in the said court and the reply has been sent to the appellant.

The appellant was not satisfied since the appellant merely wants that what action/follow up was done by the police on the order of the court.

The PIO was directed to relook the RTI application and if any follow up was done by the police, it be provided or replied as per the status.

Hearing dated 01.11.2021:

The case has come up for hearing today through video conferencing at DAC Amritsar. The appellant is absent and vide email has sought exemption on medical ground. In the said email, the appellant has further informed that the PIO has not supplied the information.

The case is adjourned. To come up for further hearing on **02.02.2022 at 11.00 AM** through a video conference facility available in the office of Deputy Commissioner, Amritsar.

Chandigarh
Dated 01.11.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sector 16, Chandigarh.
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Sh. Ramesh Kumar, S/o Sh. Amar Nath,
H No-4-1652, Sardar Nagar,
Opposite Old Central Jail,
Amritsar.

... Appellant

Versus

Public Information Officer,
O/o IGP, Border Range,
Amritsar.

First Appellate Authority,
O/o IGP, Border Range,
Amritsar.

...Respondent

Appeal Case No. 3587 2020

PRESENT: None for the Appellant
Sh.Davinder Pal Singh, ASI for the Respondent

ORDER:

The appellant through RTI application dated 20.08.2020 has sought information regarding the decision of IGP Border Range Amritsar on the application dated 25.07.2020 – directions given to SSP to ensure time bound action and other information as enumerated in the RTI application concerning the office of IGP Border Range, Amritsar. The appellant was not provided with the information after which the appellant filed the first appeal before the First Appellate Authority on 05.09.2020 which took no decision on the appeal.

The case last came up for hearing on 24.03.2021 through video conferencing at DAC Amritsar. Having gone through the record, the Commission observed that the RTI application is not legible.

The appellant was directed to submit a typed legible copy of the RTI application to the Commission for the commission to pursue this case further.

Hearing dated 01.11.2021:

The case has come up for hearing today through video conferencing at DAC Amritsar. The appellant is absent and vide email has sought exemption on medical grounds. In the said email, the appellant has further informed that the PIO has not supplied the information.

The case is adjourned. To come up for further hearing on **02.02.2022 at 11.00 AM** through a video conference facility available in the office of Deputy Commissioner, Amritsar.

Chandigarh
Dated 01.11.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh. Ramesh Kumar, S/o Sh. Amar Nath,
H No-4-1652, Sardar Nagar,
Opposite Old Central Jail,
Amritsar.

... Appellant

Versus

Public Information Officer,
O/o SSP, (Rural),
Amritsar.

First Appellate Authority,
O/o SSP, (Rural),
Amritsar.

...Respondent

Appeal Case No. 3588 2020

PRESENT: None for the Appellant
Sh.Davinder Pal Singh, ASI for the Respondent

ORDER:

The appellant through the RTI application dated 10.08.2020 has sought information regarding copies of applications/memos sent by SSP Amritsar (Rural) on 10.07.2020 to police Station Raja Sansi for further action relating to FIR No.83/18 u/s 3232, 34, 341 & 506 and other information as enumerated in the RTI application concerning the office of SSP (Rural) Amritsar. The appellant was not provided with the information after which the appellant filed the first appeal before the First Appellate Authority on 11.09.2020 which took no decision on the appeal.

The case last came up for hearing on 24.03.2021 through video conferencing at Amritsar. The respondent present pleaded that the case is pending cancellation in court.

The Commission received a reply from the PIO through email which was taken on the file of the Commission. In the reply, the PIO has stated that as per the report of the concerned SHO, the case was wrongly registered and the cancellation report has been filed in the court of SDJM Radhika Puri which is pending in the said court and the reply has been sent to the appellant.

The appellant was not satisfied since the appellant merely wants only copies of applications/memos sent by SSP to police station Raja Sansi for action relating to FIR No.83/18.

The PIO was directed to relook the RTI application and provide the information as per the RTI application.

During the hearing, the Commission observed that the official, who had appeared in the Commission on behalf of the PIO did not know the etiquette of appearing in a court hearing. In spite of repeated cautions, the official's phone kept ringing and he kept taking the calls. This behaviour was clearly not acceptable during a hearing, and the commission marked this observation to the SSP for a suitable warning to the official. The SSP may also take necessary steps to educate PIOs about their conduct while appearing for hearings at the commission.

Hearing dated 01.11.2021:

The case has come up for hearing today through video conferencing at DAC Amritsar. The appellant is absent and vide email has sought exemption on medical grounds. In the said email, the appellant has further informed that the PIO has not supplied the information.

The case is adjourned. To come up for further hearing on **02.02.2022 at 11.00 AM** through a video conference facility available in the office of Deputy Commissioner, Amritsar.

Chandigarh
Dated 01.11.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh. Ramesh Kumar, S/o Sh. Amar Nath,
H No-4-1652, Sardar Nagar,
Opposite Old Central Jail,
Amritsar.

... Appellant

Versus

Public Information Officer,
O/o SSP, (Rural),
Amritsar.

First Appellate Authority,
O/o SSP, (Rural),
Amritsar.

...Respondent

Appeal Case No. 3589 2020

PRESENT: None for the Appellant
Sh.Davinder Pal Singh, ASI for the Respondent

ORDER:

The appellant through the RTI application dated 03.08.2020 has sought information regarding copies of statements of witnesses and other information as enumerated in the RTI application concerning the office of SSP(Rural) Amritsar. The appellant was not provided with the information after which the appellant filed the first appeal before the First Appellate Authority on 09.09.2020 which took no decision on the appeal.

The case has come up for hearing today through video conferencing at DAC Amritsar. The respondent present pleaded that the case is pending cancellation in court.

The Commission received a reply from the PIO through email which was taken on the file of the Commission. In the reply, the PIO has stated that as per the report of the concerned SHO, the case was wrongly registered and the cancellation report has been filed in the court of SDJM Radhika Puri which is pending in the said court and the reply has been sent to the appellant.

The appellant was not satisfied with the reply since the appellant merely wants the statement of witnesses who appeared during the enquiry proceedings relating to FIR No.83/18 filed in Police Station Raja Sansi.

The PIO was directed to relook the RTI application and provide the information as per the RTI Act.

Hearing dated 01.11.2021:

The case has come up for hearing today through video conferencing at DAC Amritsar. The appellant is absent and vide email has sought exemption on medical grounds. In the said email, the appellant has further informed that the PIO has not supplied the information.

The case is adjourned. To come up for further hearing on **02.02.2022 at 11.00 AM** through a video conference facility available in the office of Deputy Commissioner, Amritsar.

Chandigarh
Dated 01.11.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh. Ramesh Kumar, S/o Sh. Amar Nath,
H No-4-1652, Sardar Nagar,
Opposite Old Central Jail,
Amritsar.

... Appellant

Versus

Public Information Officer,
O/o SSP, (Rural),
Amritsar.

First Appellate Authority,
O/o SSP, (Rural),
Amritsar.

...Respondent

Appeal Case No. 3607 of 2020

PRESENT: None for the Appellant
Sh.Davinder Pal Singh, ASI for the Respondent

ORDER:

The appellant through the RTI application dated 01.07.20 has sought information regarding a copy of the enquiry report bearing No.1606-IGP dated 06.09.2018 and 581-IGP/2019 conducted by Shl.Harpal Singh, PPD then SP Investigation and Sh.Baljit Singh PPS then SP Headquarter Amritsar and other information as enumerated in the RTI application concerning the office of SSP (Rural) Amritsar. The appellant was not satisfied with the reply of the PIO dated 07.07.2020 after which the appellant filed the first appeal before the First Appellate Authority on 18.08.2020 which took no decision on the appeal.

The case last came up for hearing on 24.03.2021 through video conferencing at DAC Amritsar. The respondent present pleaded that the case is pending cancellation in court.

The Commission received a reply from the PIO through email which was taken on the file of the Commission. In the reply, the PIO has stated that as per the report of the concerned SHO, the case was wrongly registered and the cancellation report has been filed in the court of SDJM Radhika Puri which is pending in the said court and the reply has been sent to the appellant.

The appellant was not satisfied since the appellant wanted the enquiry report dated 06.09.2018 which was conducted by Shl.Harpal Singh, PPS, (then SP Investigation), and Sh.Baljit Singh PPS (then SP Headquarter Amritsar).

The PIO SSP was directed to relook the RTI application and provide the information as per the RTI application.

The case was marked to the SSP to ensure compliance and to provide information as per the RTI Act and if need be, the appellant be called to the office to clarify and resolve the matter. Since case nos 3585/2020, 3587/2020, 3588/2020 & 3589/2020 are also of the same nature the SSP was directed to intervene in the matter and ensure that a suitable reply is filed in each of the mentioned cases.

Appeal Case No. 3607 of 2020

Hearing dated 01.11.2021:

The case has come up for hearing today through video conferencing at DAC Amritsar. The appellant is absent and vide email has sought exemption on medical grounds. In the said email, the appellant has further informed that the PIO has not supplied the information.

The case is adjourned. To come up for further hearing on **02.02.2022 at 11.00 AM** through a video conference facility available in the office of Deputy Commissioner, Amritsar.

**Chandigarh
Dated 01.11.2021**

**Sd/-
(Khushwant Singh)
State Information Commissioner**