

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden, Sector 16, Chandigarh.
Ph: 0172-2864114, Email: - sicsic30@punjabmail.gov.in
Visit us: - www.infocommpunjab.com



Sh. Harish Kumar S/o Sh.Tilak Raj
H.No.34, Street No.1, ValmikMohalla,
Hathi Gate, Batala.
District Gurdaspur.

... Appellant

Versus

Public Information Officer,
Xen, Water Supply & Sanitation Div.No.1,
Batala, Distt.Gurdaspur

First Appellate Authority,
S.E., Water Supply & Sanitation,
Circle, Gurdaspur.

..Respondent

Appeal Case No. 610 of 2020

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

The case was first heard on 05.08.2020. The appellant claimed that the PIO has not provided the information. The respondent present pleaded that the action was being taken on the medical bill of the appellant. Having gone through the record, the Commission observed that there has been an enormous delay of more than 11 months in attending to the RTI application. The PIO was issued a **show cause notice Section 20 of the RTI Act 2005 and directed to file reply on an affidavit.** The PIO was again directed to provide the information to the appellant within 15 days.

On the date of next hearing on **14.09.2020**, the Commission received a letter diary No.11359 on 04.09.2020 from the appellant stating that despite order of the Commission, the PIO has not provided the information.

The respondent was absent nor had filed any reply to the show cause notice issued on 05.08.2020 as well as not provided the information.

To secure an erring PIO's presence before the Commission, a **bailable Warrant of the PIO-Xen Water Supply & Sanitation Division No.1, Batala** was issued under section 18(3) through Senior Superintendent of Police, Gurdaspur for his presence before the Commission on **21.10.2020, which date** was postponed to 01.12.2020. **The PIO** was also directed to provide information to the appellant within 10 days of the receipt of this order. The First Appellate Authority, S.E. Water Supply & Sanitation Circle, Gurdaspur was also directed to ensure compliance of this order.

Hearing dated 01.12.2020:

The case has come up for hearing today through video conferencing at DAC Gurdaspur. Due to technical reason, the hearing could not take place.

Appeal Case No. 610 of 2020

The commission has received an email from Sh.Sukhdeep Singh Dhaliwal, Xen Water Supply & Sanitation Division No.1, Batala stating that the reply has been sent to the appellant.

The case is adjourned. To come up for further hearing on **16.12.2020 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, **Gurdaspur**.

Chandigarh
Dated: 01.12.2020

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to :The First Appellate Authority-cum-
S.E.Water Supply & Sanitation
Circle, Gurdaspur

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden, Sector 16, Chandigarh
Ph: 0172-2864114, Email: - psic30@punjabmail.gov.in
Visit us: - www.infocommpunjab.com



Sh.Bhupinder Singh, S/o Sh.Gurjail Singh,
Village BahmnaBasti,
TehsilSamana, Distt.Patiala.

...Appellant

Versus

Public Information Officer,
O/o DC, Patiala.

First Appellate Authority,
O/o Commissioner, Patiala Division,
Patiala

Respondent

Appeal Case No. 411 of 2019

PRESENT: Sh.Bhupinder Singh as the Appellant
None for the Respondent

ORDER:

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

Facts of the case:-

That the appellant through RTI application dated 04.09.2018 has sought information regarding allotment of plot for kabristhan on Khasra No.92 to 114 and 208 and construction of rest house on khasra no.115 by PWD in village an other information and other information concerning the office of DC Patiala. The appellant was not provided the information after which he filed first appeal before the First Appellate Authority on 30.10.2018 which took no decision on the appeal.

That the case has already been heard on 13.03.2019, 29.07.2019, 04.11.2019, 15.01.2020, 28.05.2020, 20.07.2020, 24.09.2020 & 04.11.2020

That on the date of hearing on 04.11.2019, Sh.Harbans Sharma, Advocate and Sh.Sandeep Singh, Tehsildar Samana appeared and informed that the information relating to point-2 may be available in PWD office. The PIO-PWD(B&R) was impleaded in the case and directed to provide the information within 10 days and send a compliance report to the Commission.

That on the date of hearing on 15.01.2019, the PIO-PWD(B&R) was absent nor had provided the information.

That on the date of hearing on 28.05.2020, the PIO-PWD(B&R) was absent. Sh.Harpreet Singh O/o PWD appeared and informed that they had not received the copy of RTI application, a copy of which was provided to him and the PIO-PWD (B&R) was directed to look at the RTI application and provide the information whatever available in the record.

That on the date of hearing on 20.07.2020 and 24.09.2020, the PIO-PWD (B&R) was absent nor had complied with the order of the Commission to send the information to the appellant. The PIO-PWD(B&R), Patiala was issued a **show cause notice on 24.09.2020 under Section 20 of the RTI Act 2005 and directed to file reply on an affidavit.** The PIO was again directed to provide the information within 10 days of the receipt of the order.

Appeal Case No. 411 of 2020

That on the date of the last hearing on 04.11.2020, the PIO-PWD(B&R), Patiala was absent nor had filed a reply to the show cause notice. The PIO-PWD(B&R) was given one last opportunity to file reply to the show cause notice otherwise it will be presumed that the PIO has nothing to say in the matter and the Commission will act against the PIO as per provisions of section 20 of the RTI Act.

That the case has come up for hearing today through video conferencing at DAC Patiala. The PIO-PWD(B&R) is again absent nor has complied the order of the Commission to file a reply to the show cause notice and to provide the information.

Keeping the above-mentioned facts of the case, it is clear that the PIO-PWD(B&R), Patiala is flouting the spirit of the RTI Act continuously. The PIO has not only shown utter disregard for the Commission's repeated orders to provide the information but has shown willful stubbornness in not replying to the Show Cause and not appearing before the commission despite various orders of the Commission.

To secure an erring PIO's presence before the commission, the Information Commission is empowered to issue warrants to the PIO Under Section 18(3) of the RTI Act. A bailable Warrant of the PIO-PWD(B&R), Patiala is hereby issued through Senior Superintendent of Police, Patiala for his presence before the Commission on **02.02.2021**.

The PIO is also directed to provide information to the appellant within 10 days of the receipt of this order.

To come up for further hearing on **02.02.2021 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Patiala. The PIO to appear at Chandigarh.

Chandigarh
Dated: 01.12.2020

Sd/-
(Khushwant Singh)
State Information Commissioner

- CC to:**
- 1. PIO-Director Land Records, Kapurthala Road, Jalandhar**
 - 2. PIO-PWD(B&R), Patiala**

**BAILABLE WARRANT OF PRODUCTION
BEFORE
SHRI KHUSHWANT SINGH
STATE INFORMATION COMMISSIONER, PUNJAB
AT CHANDIGARH**

In case: Bhupinder Singh V/s Deputy Commissioner, Patiala

APPEAL CASE NO.411/2019

UNDER SECTION 18 OF THE RIGHT TO INFORMATION ACT, 2005

Next Date of Hearing: 02.02.2021

To

**The Senior Superintendent of Police,
Patiala**

Whereas PIO-PWD (B&R), Patiala has failed to appear before the State Information Commissioner, Punjab despite the issuance of notice/summon in the above mentioned appeal case. Therefore, you are hereby directed to serve this bailable warrant to the PIO-PWD(B&R), Patiala to appear before the undersigned at Red Cross Building, Near Rose Garden, Sector 16, Chandigarh on **02.02.2021 at 11.00A.M.**

**Chandigarh
Dated: 01.12.2020**

**(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 Raj Singh, S/o ShIshar Singh,
Village Todarwal, P.O Babarpur,
Tehsil Nabha, Distt Patiala.

...Appellant

Versus

Public Information Officer,
O/o SSP,
Patiala.

First Appellate Authority,
O/o IGP, Patiala Range,
Patiala.

..... Respondent

Appeal Case No. 1764 of 2019

PRESENT: Sh.Raj Singh as theAppellant
Sh.Hakam Singh ASI for theRespondent

ORDER:

The appellant through RTI application dated 26.11.2018 sought information regarding FIR No.34/2017 PS - enquiry report along with copies of zimnies from the office of SSP Patiala.

The case was first heard on 18.09.2019. The respondent present submitted a letter dated 16.09.2019 from the PIO stating that since as per report of concerned police station, the challan has been presented in the court, thus information cannot be provided and the reply has been sent to the appellant. The appellant was absent. The case was adjourned.

On the next date of hearing on **10.12.2019**, the respondent present pleaded that since the investigation is complete and the challan along with the case file has been presented in the court, the information cannot be provided. The appellant was absent and vide email had sought adjournment.

On the date of hearing on **17.02.2020**, the respondent present pleaded that since the challan along with complete record has been presented in the court, the information cannot be provided. The copy of FIR was provided to the appellant during the hearing. The respondent was directed to send appropriate reply to the appellant that why information on other points is being denied.

On the date of hearing on **29.06.2020**, the appellant informed that he tried to get the documents from the concerned court on 09.03.2020, however, they have informed that the asked documents in copy form i.e. i) complaint No.2344 dated 08.05.2017, 2) statement & other documents relating to this complaint, cannot be provided as they are not a part of the judicial file, neither mentioned in the challan report provided by police. The appellant also clarified other points of the information sought in the RTI application.

The respondent was absent nor had sent any reply. The PIO was directed to provide information on all points as clarified by the appellant, a copy of which was attached with the order for the PIO, as per RTI Act. However, the zimnies may not be provided.

On the date of last hearing on **19.08.2020**, the appellant claimed that the PIO has not provided the information. The Commission received a letter on 07.08.2020 from the PIO-SSP Patiala stating that as per report of SHO Police Station, Bhadso, the challan has been presented in the court and the information cannot be provided. It is exempt under section 8(1) (h) of the RTI Act.

The appellant pleaded that he has already tried to get the information from the court but could not obtain since the court has informed that the asked documents in copy form cannot be provided as they are not a part of the judicial file, neither mentioned in the challan report provided by police.

The Commission observed that the PIO had simply applied section 8(1)(h) but had not explained the reasons for denial of the information. The PIO was stonewalling the information many times.

Barring the zimmies, the PIO was directed that whatever discloseable information exists, it be provided to the appellant. If the PIO has to invoke any part of section 8(1), the PIO to write a clear speaking order.

Hearing dated 01.12.2020:

The case has come up for hearing today through video conferencing at DAC Patiala. The respondent present pleaded that the information has been supplied to the appellant.

The appellant informed that the PIO has not supplied the complete documents. The appellant further informed that he has checked from the court and they have informed that the asked documents in copy form i.e. i) complaint No.2344 dated 08.05.2017, 2) statement & other documents relating to this complaint, cannot be provided as they are not a part of the judicial file, neither mentioned in the challan report provided by police.

The respondent is directed to get the concerned file inspected to the appellant and provide the remaining information as per RTI application. Enormous delay has already taken place in this case, and this should be settled before the next hearing.

The case is adjourned. To come up for compliance on **02.02.2021 at 11.00 AM** through video conference facility available in the office of **Deputy Commissioner, Patiala**.

Chandigarh
Dated 01.12.2020

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.SudhirSharma,C/o Shiv Enterprises,
Opposite Triveni Palace,
PaitalaRoad,Nabha.

...Appellant

Versus

Public Information Officer,
O/o EO, Nagar Council,
Nabha,DisttPatiala

.....Respondent

Complaint Case No. 95/ 2019, 109/2019, 110/2019, 111/2019

PRESENT: None for theAppellant
Sh.RakeshGarg, EO-MC Bhawanigarh (Earlier PIO-cum-EO NC Nabha)for the
Respondent

ORDER: This order should be considered in continuation to the previousorder.

The case has already been heard on 13.03.2019, 30.07.2019, 06.11.2019, 23.01.2020, 29.06.2020 & 28.09.2020.

On the date of hearing on 30.07.2019, the PIO was absent nor had provided the information. Due to enormous delay of eight months in attending to the RTI application, the PIO was issued a **show cause notice** under section 20 of the RTI Act and directed to file reply on an affidavit. The PIO was again directed to provide the information to the complainant within 10days.

On the date of hearing on **06.11.2019**, the respondent Sh.Amrik Singh, EO appeared and informed that he had joined this office on 23.07.2019 and the delay had occurred on the part of the earlier PIO. The respondent also submitted his reply which was taken on the file of the Commission. In the reply, the respondent stated that after assuming the charge, he immediately asked the concerned junior engineer Sh.Gaganpreet Singh vide letter dated 23.07.2019 to provide the information to the appellant. Sh.Gaganpreet Singh was again instructed vide letter dated 16.08.2019 to provide the information to the appellant and be present before the Commission on the date of hearing on 06.11.2019. Sh.Gaganpreet Singh has been transferred and now posted in NC-BaghaPurana.

The PIO was directed to submit a detailed reply to the show cause notice on an affidavit and be present on the next date of hearing.

On the date of hearing on **23.01.2020**, the respondent submitted a reply to the show cause notice on an affidavit which was taken on the file of the Commission. The respondent also submitted a list of officers posted as PIOs at NC Nabha from the date of filing of RTI application till date. The respondent also informed that Sh.RakeshGarg was the PIO-cum-EO NC Nabha when the RTI application was filed and he is now posted as EO-MC Bhawanigarh.

Sh.RakeshGarg, EO-MC Bhawanigarh was directed to appear personally before the Commission on the next date of hearing and explain the reasons why the RTI application was not attended to within the time prescribed under the RTIAct.

On the date of hearing on **29.06.2020**, Sh.Jatinder Singh appeared and informed that the information has been provided to the complainant. As per complainant, the information was incomplete. The appellant further informed that despite order of the First appellate Authority dated 04.03.2020, the complete information was notprovided.

Hearing both the parties, the appellant was directed to inspect the record by fixing a mutually convenient date and time with the PIO and get the relevant information. If the information is not available, to give in writing on an affidavit that the information supplied is complete and no further information is available.

The Commission observed that the complainant had sought information in CC-95/2019, CC-109/2019, CC-110/2019 & CC-111/2019 from the same department i.e. EO-NC Nabha, all four cases were clubbed together and the PIO was directed to provide information in all these cases as per the RTI Act.

Since Sh.RakeshGarg, EO-NC Bhawanigarh was absent nor had sent any reply to the show cause notice, to secure an erring PIO's presence before the commission, a bailable warrant of Sh.RakeshGarg, EO-MC Bhawanigarh (Earlier PIO-cum-EONC Nabha) was issued u/s 18(3) of the RTI Act through Senior Superintendent of Police, Sangrur for his presence before the Commission on **15.07.2020 which date** was postponed to 25.08.2020 and again to 28.09.2020.

On the date of hearing on **28.09.2020**, Sh.RakeshGarg EO-MC Bhawanigarh (Earlier PIO-cum-EO NC Nabha) appeared and informed that he has already submitted his reply to the Commission. The Commission received reply which was taken on the file of the Commission.

In the reply, the respondent has informed that he remained as EO-NC Nabha from 14.11.2018 to 26.03.2019 and thereafter went on medical leave. He further informed that during this period, he was having full charge of EO Nabha, additional charge of NC Bhawanigarh and Nagar Panchayat Amargarh but had a very uncooperative staff for which he had to suffer.

The respondent was directed to submit detailed reply on an affidavit.

Hearing dated 01.12.2020:

The case has come up for hearing today through video conferencing at DAC Patiala. Sh.RakeshGarg EO-MC Bhawanigarh (Earlier PIO-cum-EO NC Nabha) is present and informed that he has sent detailed reply to the Commission. The Commission has received the reply on 20.11.2020 which has been taken on the file of the Commission.

The appellant is absent.

The case is adjourned. To come up for further hearing on **02.02.2020 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner Patiala.

Chandigarh
Dated: 01.12.2020

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh.Gurinder Singh Sodhi,
R/o 47, Bank Colony,
Patiala

...Appellant

Versus

Public Information Officer,
O/o Principal Secretary,
Local Govt. Department,
Sector 35,
Chandigarh.

First Appellate Authority,
O/o Additional Director,
Local Govt. Department,
Sector 35,
Chandigarh

..... Respondents

Appeal case No.2101 of 2020

PRESENT: Sh.Gurinder Singh as theAppellant
None for theRespondent

ORDER;

The appellant through RTI application dated 23.03.2018 has sought information regarding CPW No.19788 of 2015 Gora Lal Jindal v/s State of Punjab – document filed before the High Court and other information concerning the office of Principal Secretary, Local Govt. Department, Punjab Chandigarh. The appellant was not provided the information after which the appellant filed first appeal with the first appellate authority on 28.07.2018 which took no decision on the appeal.

The case came up for hearing on 09.11.2020 through vide conferencing at DAC Patiala. The appellant claimed that the PIO has not provided the information.

The respondent was absent. Having gone through the file, the Commission observes that the PIO has written a letter on 26.02.2020 to Sh.GoraLal for seeking his consent under section 11 (Third Party Information) of the RTI Act whereas as per copy of letter received by the Commission fromthePIOon06.11.2020,thePIOhaddeniedtheinformationundersection8(h)oftheRTIAct.

Since in the communication to the Commission the PIO had applied Section 8 (h) for denial of information, the PIO was directed to explain why he has applied this particular section. Merely statingthethesectionwithoutcitinganyplausiblereasonisnotanacceptablewastodenyininformation.

Hearing dated 01.12.2020:

The case has come up for hearing today through video conferencing at DAC Patiala. The appellant claims that the PIO has not provided the information.

The respondent is absent on 2nd consecutive hearing. Having gone through the file, the Commission observes that there has been an enormous delay of more than two years in providing the information. The Commission has taken a serious view of this and hereby directs the PIO **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.** He/she 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 again directed to provide the information within 10 days of the receipt of this order.

To come up for further hearing on **02.02.2021 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner Patiala.

Chandigarh
Dated: 01.12.2020

Sd/-
(Khushwant Singh)
State Information Commissioner