



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 the Appellant
Sh.Gagandeep Singh, Sr.Assistant for the Respondent

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 – a 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 with the information after which the appellant filed the first appeal with the first appellate authority on 28.07.2018 which took no decision on the appeal.

On the date of the first hearing on 09.11.2020, the appellant claimed that the PIO has not provided the information.

The respondent was absent. Having gone through the file, the Commission observed that the PIO had written a letter on 26.02.2020 to Sh. Gora Lal for seeking his consent under section 11 (Third Party Information) of the RTI Act, whereas per a copy of the letter received by the Commission from the PIO on 06.11.2020, the PIO had denied the information under section 8(h) of the RTI Act.

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 had applied this particular section. Merely stating the section without citing any plausible reason is not acceptable was to deny information.

On the date of hearing on 01.12.2020, the appellant claimed that the PIO has not provided the information.

The respondent was absent on 2nd consecutive hearing. Since there had been an enormous delay of more than two years in providing the information. the PIO was issued a **show-cause notice under Section 20 of the RTI Act 2005 and directed to file a reply on an affidavit.** The PIO was again directed to provide the information within 10 days of the receipt of this order.

Appeal case No.2101 of 2020

On the date of the hearing on **02.02.2021**, the respondent submitted a reply to the show-cause notice which was taken on the file of the Commission. In the reply, the respondent stated that since the court case is still pending, the information cannot be provided. The case was adjourned.

On the date of hearing on **18.05.2021**, as per the appellant, the PIO had not provided the information. The respondent was absent. The case was adjourned.

On the date of the last hearing on **31.08.2021**, the respondent reiterated his earlier plea that since the court case is pending, the information cannot be provided. The respondent also cited the order of Punjab Govt dated 09.08.2021 giving reference to the decision dated 13.11.2019 of Hon'ble Supreme court of India in Civil Appeal No.10044 of 2010 titled CPIO-Supreme Court of India Vs Subhash Chandra Agarwal.

However, the PIO could not show any sufficient evidence which proves that the revelation of information will impede the process of court proceedings or there has been a bar to providing the above-sought information. Moreover, the PIO had taken two different propositions under sections 1 & 8(h), while holding on to this information, which made the reason for holding the sought information sound ambiguous and weak. Hence, the plea of the PIO to deny the information was found invalid.

The PIO was directed to provide information to the appellant within 15 days and send a compliance report to the Commission.

Hearing dated 01.12.2021:

The case has come up for hearing today through video conferencing at DAC Patiala/Mohali. As per information from DC office Patiala, the appellant was present at DAC Patiala but could not be heard since there was some other meeting going on in DAC Patiala.

The respondent is present at Chandigarh and has submitted his reply which has been taken on the file of the Commission. In the reply, the PIO has reiterated his earlier plea that since the court case is pending, the information cannot be provided. The PIO has further mentioned in the letter that as per the opinion of their legal officer, they have supplied the office notings relating to the filing of reply in the Writ Petition No.19788 of 2015.

The Commission observes that instead of complying with the order of the Commission, the PIO has accepted the opinion of the legal officer as an argument to escape the directions passed by the Commission.

It is made clear to the respondent that the very denial to implement the order is a contempt of the order of the Punjab State Information Commission since the commission had clearly asked for the order to be implemented and not sought reasons whether this order can be implemented or not.

The logical corollary is that the legal opinion taken by the department is of no avail and is rejected.

Since the order has already been passed, the PIO is directed to ensure the compliance of the directions passed earlier, else face penal consequences. Principal Secretary, Local Govt.Punjab is hereby directed to ensure the compliance of this order.

The case is adjourned. To come up for compliance on **06.04.2022 at 11.00 AM** through a video conference facility available in the office of Deputy Commissioner Patiala. The PIO to appear at Chandigarh.

Chandigarh
Dated: 01.12.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

PUNJAB STATE INFORMATION COMMISSION
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Sh. Bhupinder Singh, S/o Sh. Gurjail
Singh, Village Bahmna Basti,
Tehsil Samana, 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
Sh. Harpreet Singh, SDO O/o PWD(B&R) Patiala for the Respondent

ORDER:

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

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, 01.12.2020, 02.02.2021, 18.05.2021 & 31.08.2021.

On the date of the 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 a reply on an affidavit. The PIO** was again directed to provide the information within 10 days of the receipt of the order.

On the date of hearing on 04.11.2020 and 01.12.2020, the PIO-PWD(B&R) was again absent nor had complied with the order of the Commission to file a reply to the show-cause notice and to provide the information. A bailable warrant Under Section 18(3) of the RTI Act of the PIO-PWD(B&R), Patiala was issued through Senior Superintendent of Police, Patiala for his presence before the Commission on **02.02.2021. The PIO** was also directed to provide information to the appellant within 10 days of the receipt of this order.

On the date of hearing on **02.02.2021**, the appellant claimed that the PIO has not provided the information. Sh. Naveen Mittal, Xen-cum-PIO PWD(B&R) was present and informed that the land for rest house was provided by the Administration in the year 2005-06, however, no formal document is available in their record and the reply was sent to the appellant vide letter dated 17.07.2020. The PIO-PWD(BR) was directed to give this in writing on an affidavit that no letter/document is available in their record regarding the information relating to point-2.

The Commission further observed that the appellant to collect the information had to suffer undue inconvenience, the PIO-PWD(B&R), Patiala was directed to pay an amount of **Rs.2500/-** via demand draft drawn as compensation to the appellant and submit proof of having compensated the appellant. The PIO-PWD(B&R) was also directed to file a reply to the show-cause notice.

On the date of the last hearing on **18.05.2021**, as per the respondent, the compensation amount of Rs.2500/- had been paid to the appellant and an affidavit relating to point-2 had also been provided to the appellant. The appellant had received the same.

The appellant, however, informed that the information regarding point-1 has not been provided by the PIO-Director-Land Records.

Appeal Case No. 411 of 2019

However, the Commission observed that in the order dated 28.05.2020, it was recorded that as per letter received in the Commission on 31.01.2020 from the PIO-Director, Land Records, the information had been sent to the appellant vide letter dated 28.01.2020 with a copy to the Commission. Hence, a copy of the information received from the PIO-Land Records was sent to the appellant along with the order.

With the above, the information had been provided and no further arguments to be taken up regarding the information. The PIO-PWD(B&R) however, did not file a reply to the show-cause notice. The PIO-PWD(B&R) was given one last opportunity to file a written reply to the show-cause notice.

On the date of the last hearing on **31.08.2021**, the PIO-PWD(B&R) was again absent nor had filed any reply to the show-cause notice.

The PIO-PWD(B&R) was given one last opportunity to file a reply to the show-cause notice and appear before the Commission personally on the next date of hearing otherwise it will be presumed that the PIO has nothing to say in the matter and the decision will be taken ex-parte. In the reply, the PIO must clarify that who was the PIO when the first show cause was issued and the PIO when the commission had impleaded the PIO PWD (B&R) in the case.

Hearing dated 01.12.2021:

The case has come up for hearing today through video conferencing at DAC Patiala.

As per information from DC office Patiala, the appellant and the respondent are present at DAC Patiala but hearing could not take place since there was some other meeting going on in DAC Patiala.

As per record, the Commission has not received any reply to the show-cause notice from the PIO.

Earlier order stands.

The case is adjourned. To come up for further hearing on **06.04.2022 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Patiala.

Chandigarh
Dated: 01.12..2021

Sd/-
(Khushwant Singh)
State Information Commissioner

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



Sh. Karnail Singh, S/o Sh Chhanga Singh,
New Azad Nagar,
Ferozepur City.

... Complainant

Versus

Public Information Officer,
O/o Naib Tehsildar, Mamdot,
Distt Ferozepur.

...Respondent

Complaint Case No. 113 of 2021

PRESENT: Sh.Karnail Singh as the Complainant
Mrs.Jaswinder Kaur, Naib Tehsildar, Mamdot for the Respondent

ORDER:

The complainant through the RTI application dated 02.12.2020 has sought information regarding action taken on the application dated 26.02.2020(Diary No.421 dt.27.02.2020) relating to providing false documents – present status of the application and other information as enumerated in the RTI application from the office of SDM Mamdot which transferred the same to Naib Tehsildar, Mamdot Distt.Ferozepur on 09.12.2020. The complainant was not provided with the information after which the complainant filed a complaint in the Commission on 15.01.2021.

The case first came up for hearing on 28.06.2021 through video conferencing at DAC Ferozepur. The appellant informed that he had filed an RTI application with the office of SDM(Civil)Ferozepur which transferred the same to Naib Tehsildar, Mamdot on 09.12.2020 but the Naib Tehsildar has not provided any information.

The respondent was absent without any legitimate reasons for the absence. Since there has been an enormous delay of more than six months in attending to the RTI application and the Naib Tehsildar had not responded to the RTI application transferred by SDM Ferozepur on 09.12.2020, the PIO was issued a **show-cause notice under Section 20 of the RTI Act 2005 and directed to file reply on an affidavit.**

The PIO-Naib Tehsildar, Mamdot was again directed to provide whatever information exists in the record and action taken on the complaint of the appellant.

On the date of hearing on **25.08.2021**, as per the appellant, the PIO had not supplied the information. The respondent was absent on 2nd consecutive hearing nor had filed a reply to the show cause notice as well as not provided the information.

The PIO was given one last opportunity to appear before the Commission on the next date of hearing and file a reply to the show-cause notice otherwise it will be presumed that the PIO has nothing to say in the matter and the decision will be taken ex-party.

On the date of the last hearing on **27.10.2021**, the appellant claimed that the PIO has not supplied the information. The respondent was absent on 3rd consecutive hearing nor had sent any reply to the show-cause notice.

Since the responsibility to ensure the timely transmission of correct information to the appellant lies on the PIO, the PIO-Naib Tehsildar Mamdot was held guilty for not providing the information on time as prescribed under section 7, and repeatedly defying the orders of the Commission. Further, since the appellant had to suffer undue inconvenience to get the

information, the PIO-Naib Tehsildar Mamdot was directed to pay an amount of **Rs.5000/-** via demand draft as compensation to the appellant and submit proof of having compensated the appellant.

Complaint Case No. 113 of 2021

The decision on show cause was to be taken on the next date of hearing.

Hearing dated 01.12.2021:

The case has come up for hearing today through video conferencing at DAC Ferozepur. The appellant claims that the PIO has not supplied the information nor had paid any compensation as per the order of the Commission.

The respondent present pleaded that she has just joined as Naib Tehsildar on 29.11.2021 and the delay has occurred on the part of the earlier PIO.

Earlier order stands. The PIO is directed to comply with the earlier order of the Commission which still stands and provide information and pay the compensation amount to the appellant by way of a demand draft.

The PIO is also directed to send details of all the PIOs deputed at Mamdot (Name of PIO/Date of posting/date of relieving charge/present posting) from the date of filing of RTI application till date.

To come up for further hearing on **06.04.20222 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Ferozepur.

Chandigarh
Dated :01.12. 2021

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh. Karnail Singh, S/o Sh Chhanga Singh,
New Azad Nagar,
Ferozpur City.

... Complainant

Versus

Public Information Officer,
O/o Naib Tehsildar, Mamdot,
Distt. Ferozpur.

...Respondent

Complaint Case No. 114 of 2021

PRESENT: Sh.Karnail Singh as the Complainant
Mrs.Jaswinder Kaur, Naib Tehsildar, Mamdot for the Respondent

ORDER:

The complainant through RTI application dated 26.11.2020 has sought information regarding the name of officers present during demarcation of the land of village Lakha Singh Wala bearing khewat No.393 by revenue department on 07.08.2020 relating to unauthorized mining – a copy of rule under which patwari signed the demarcation report and submitted to Mining Officer Ferozpur – a copy of demarcation report of village Lakha Singh Wala from 01.01.2020 to 01.11.2020 along with maps – a copy of movement register - name & address of the owners of land present during demarcation and other information as enumerated in the RTI application from the office of Tehsildar Ferozpur which transferred the same to Naib Tehsildar Mamdot, Distt. Ferozpur u/s 6(3) of the RTI Act. The complainant was not provided with the information after which the complainant filed a complaint in the Commission on 15.01.2021.

The case first came up for hearing on 28.06.2021 through video conferencing at DAC Ferozpur. The complainant claimed that the PIO had not provided the information.

The respondent was absent without any legitimate reasons for the absence. Since there has been an enormous delay of more than seven months in attending to the RTI application and the Tehsildar had not responded to the RTI application, the PIO was issued a **show-cause notice under Section 20 of the RTI Act 2005 and directed to file a reply on an affidavit.**

The PIO-Naib Tehsildar, Mamdot was again directed to provide whatever information is available on record.

On the date of hearing on **25.08.2021**, as per the appellant, the PIO had not supplied the information. The respondent was absent on 2nd consecutive hearing nor had filed a reply to the show-cause notice as well as not provided the information.

Since the PIO-Naib Tehsildar Mamdot, District Ferozpur was flouting the spirit of the RTI Act continuously and had not only shown utter disregard for the Commission's repeated orders to provide the information but had shown willful stubbornness in not replying to the Show Cause and not appearing before the commission despite various orders, to secure an erring PIO's presence before the commission, bailable warrants of the PI-Naib Tahsildar, Mamdot were issued Under Section 18(3) of the RTI Act through Senior Superintendent of Police, Ferozpur for his presence before the Commission on 27.10.2021.

Complaint Case No. 114 of 2021

On the date of the last hearing on **27.10.2021**, the appellant informed that he had filed an RTI application on 26.11.2020 with the office of Tehsildar Ferozepur who transferred the same to Naib Tehsildar Mamdot. The Naib Tehsildar Mamdot further marked the same to Kanoongo on 03.12.2020. The Kanoongo called the appellant on 22.12.2020 and informed that the RTI had been lost and asked for a fresh copy of the RTI application which was again handed over to the Kanoongo Sh.Santokh Singh. However, no information has yet been provided by the PIO.

The respondent was again absent nor had sent any reply to the show cause notice as well not provided the information.

Since the responsibility to ensure the timely transmission of correct information to the appellant lies on the PIO, the PIO-Naib Tehsildar Mamdot was held guilty for not providing the information on time as prescribed under section 7, and repeatedly defying the orders of the Commission to provide the information. Further, since the appellant had to suffer undue inconvenience to get the information, the PIO-Naib Tehsildar Mamdot was directed to pay an amount of **Rs.10,000/-** via demand draft through Govt. Treasury as compensation to the appellant and submit proof of having compensated the appellant.

The decision on show cause was to be taken on the next date of hearing.

Hearing dated 01.12.2021:

The case has come up for hearing today through video conferencing at DAC Ferozepur. The appellant claims that the PIO has not supplied the information nor has paid any compensation as per the order of the Commission.

The respondent present pleaded that she has just joined as Naib Tehsildar Mamdot on 29.11.2021 and the delay has occurred on the part of the earlier PIO.

Earlier order stands. The PIO is directed to comply with the earlier order of the Commission which still stands and provide information and pay the compensation amount to the appellant by way of a demand draft.

The PIO is also directed to send details of all PIOs deputed at Mamdot (Name of PIO/Date of posting/date of relieving charge/present posting) from the date of filing of RTI application till date.

To come up for further hearing on **06.04.2022 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Ferozepur.

Chandigarh
Dated :01.12.2021

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh. Mahinder Singh, S/o. Sh Jagir Singh,
R/o Village Baaj Singh Wala,
Dakhli Talli Saida Sahoo,
Tehsil & Distt Ferozepur.

... Appellant

Versus

Public Information Officer,
O/o Tehsildar,
Ferozepur.

First Appellate Authority,
O/o SDM,
Ferozepur.

...Respondent

Appeal Case No. 521 of 2021

PRESENT: None for the Appellant
None for the Respondent

ORDER:

The appellant through RTI application dated 23.09.2020 has sought information regarding the assessment of compensation provided in the year 2019 for the year 2016-17 and 2017-18 by Patwar Circle Masteki and other information as enumerated in the RTI application from the office of DC Ferozepur which transferred the RTI application to Tehsildar Ferozepur. The appellant was not provided with the information after which the appellant filed the first appeal before the First Appellate Authority on 24.10.2020 which took no decision on the appeal.

The case first came up for hearing on 31.03.2021 through video conferencing at DAC Ferozepur. As per counsel for the appellant, the PIO asked the appellant to specify the information whereas the appellant wanted the entire record.

The respondent was absent. The PIO was directed to provide information to the appellant as per the RTI application and send a compliance report to the commission.

On the date of the last hearing on **28.06.2021**, both the parties were absent.

Since there has been an enormous delay of more than nine months in providing the information and the respondent was absent on 2nd consecutive hearing nor has complied with the order of the Commission, the PIO was issued a **show-cause notice under Section 20 of the RTI Act 2005 and directed to file reply on an affidavit.**

The PIO-Tehsildar, Ferozepur was again directed to provide the information within ten days of the receipt of the order and send a compliance report to the Commission.

On the date of the last hearing on **25.08.2021**, **Sh.Lakhwinder** Singh Tehsildar Ferozepur was present and pleaded that the information has already been provided to the appellant vide letter dated 09.12.2020.

The respondent also sent a reply to the show cause through email which was taken on the file of the Commission. In the reply, the PIO mentioned that he could not attend the hearing due to their deployment in the second wave of the corona epidemic.

The appellant was absent.

Appeal Case No. 521 of 2021

As per the respondent, the information was provided on 09.12.2020. However, having gone through the record, it was observed that the appellant had filed an appeal case on 21.01.2021 and on the date of the first hearing on 31.03.2021, Ms.Shweta, the advocate who appeared on behalf of the appellant informed that no information was provided by the PIO but her client was merely asked to specify the information whereas the appellant wanted the entire record.

The PIO was directed to resend the information to the appellant as per the RTI application with a copy to the Commission, as well as clarify the above contention of the appellant's counsel.

The decision on show cause was to be taken on the next date of hearing.

Hearing dated 01.12.2021:

The case has come up for hearing today through video conferencing at DAC Ferozepur. Both the parties are absent.

Earlier order stands.

The case is adjourned. To come up for further hearing on **06.04.20222 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Ferozepur.

Chandigarh
Dated :01.12.2021

Sd/-
(Khushwant Singh)
State Information Commissioner