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Sh Raj Singh, S/o Shlshar 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: None for the Appellant
Sh.Hakam Singh ASI for the Respondent

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 alongwith 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 alongwith 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.

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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 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 zimnies, the PIO was directed that whatever disclosable 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.

On the date of last hearing on 01.12.2020, 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 checked from the court and they had 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 was 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.

Hearing dated 02.02.2021:

The case has come up for hearing today through video conferencing at DAC Patiala. The respondent informed that the information has been provided to the appellant and the appellant has acknowledged having received the information.

The respondent has also sent a copy of acknowledgement of the appellant stating that he has received the information and is satisfied. The appellant is absent.

Since the information has been provided, no further course of action is required. The case is **disposed off and closed**.

Chandigarh
Dated:02.02.2021

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh. Harmit Singh, C/o Baba Kala Finance
Company, Near Truck Union, Phool Road,
Rampuraphul, Bathinda.

... Appellant

Versus

Public Information Officer,
O/o Secretary, Regional Transport Authority,
Sangrur.

First Appellate Authority,
O/o State Transport Commissioner,
Pb, Chandigarh.

.....Respondent

Appeal Case No. 182 of 2019

Present: None for the Appellant
Sh.Karan Singh, Secretary-RTA for the Respondent

ORDER:

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

Sh.Harmit Singh through RTI application dated 30.08.2018 sought information regarding details of new vehicle numbers allotted to the vehicles by getting NOC from other states and copies of NOC from the office of Secretary, Regional Transport Authority, Sangrur. The appellant was not provided the information after which the appellant filed first appeal before the First Appellate Authority on 11.10.2018 and thereafter second appeal in the Commission on 02.01.2019.

The case has already been heard on 10.04.2019, 11.06.2019, 23.07.2019, 28.08.2019, 05.12.2019, 27.01.2019, 16.06.2020 & 07.09.2020.

Since the PIO neither provided the information nor appeared before the Commission at the hearings, the PIO was issued a show cause notice on 05.12.2019 **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 appellant within 10 days.

On the date of hearing on **27.01.2020**, the PIO-RTA Sangrur was again absent nor had filed any reply to the show cause notice. The PIO-RTA Sangrur was given one last opportunity to appear before the Commission and file a reply to the show cause notice.

A copy of the order was sent to Secretary, Govt of Punjab, Department of Transport with the direction to get the order served to the RTA Sangrur as well as to ensure that the concerned PIO to appear before the Commission personally or through its representative alongwith reply to the show cause notice on the next date of hearing.

On the date of hearing on **16.06.2020**, Sh.Gurpal Singh, O/o STC Punjab, Chandigarh appeared and informed that they have already sent instructions to the PIO-RTA Sangrur for his appearance before the Commission. The PIO-RTA Sangrur was absent.

The Commission was informed that the department had changed the designation of the PIO, however, while filing of RTI application and subsequent hearings, the PIO was the Regional Transport Authority Sangrur and since the PIO-cum-RTA was continuously absent and not appearing before the Commission, to secure an erring PIO's presence before the Commission, a bailable warrant of the Regional Transport Authority Sangrur under section 18(3) of the RTI was issued through Senior Superintendent of Police, Sangrur for his presence before the Commission on **15.07.2020 which date was postponed to 07.09.2020**.

The PIO was again directed to provide information to the appellant within 10 days.

On 07.09.2020, the PIO-cum-RTA Sangrur was again absent nor had sent any reply to the show cause notice as well as not provided the information to the appellant, A penalty of **Rs.25,000/-** was imposed upon the Secretary-Regional Transport Authority, Sangrur(the then PIO) and directed to produce copy of the challan justifying the deposition of the penalty in the Govt Treasury.

Further since the PIO was not replying to the Show Cause and not appearing before the commission despite various orders, a fresh bailable warrant of the Secretary, Regional Transport Authority, Sangrur(the then PIO) Under Section 18(3) of the RTI Act, was issued through SSP, Sangrur for his presence before the Commission on **13.10.2020 which date was postponed to 18.11.2020**. The PIO was also directed to provide information to the appellant within 10 days.

A copy of the order was sent to Secretary, Govt of Punjab, Department of Transport with the direction to get the order served to the RTA Sangrur as well as to ensure that the concerned PIO to appear before the Commission on the next date of hearing.

On the date of hearing on **18.11.2020**, both the parties were absent.

Given the circumstances, under the powers conferred under section 19(8)(a)(b) of the RTI Act, the Secretary, Govt of Punjab, Department of Transport was directed to take necessary steps to ensure compliance of the directions of the Commission i.e. the requisite information is furnished to the appellant and the amount of penalty is deposited by the officer who has been held guilty in the above mentioned order. The Secretary was also to ensure that the derelict officer appears at the next hearing.

On the date of last hearing on **21.01.2021**, the appellant was absent and vide email has informed that the PIO has not provided the information.

Sh.Karan Singh, Secretary-cum-PIO-RTA Sangrur appeared and assured to deposit the amount of penalty within a week and will provide complete information.

Sh.Karan Singh, Secretary-cum-PIO-RTA was directed to deposit the amount of penalty as well as provide the information to the appellant within a week.

Hearing dated 02.02.2021:

Sh.Karan Singh, Secretary-cum-PIO-RTA is present and has submitted a copy of challan as a proof of having deposited the amount of penalty in the Govt Treasury on 30.01.2021 which has been taken on the file of the Commission. The PIO has also sent a reply to the appellant on 28.01.2021 stating that 7654 number of vehicles (having NOC from outstate)

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were allotted a new number from 01.01.2017 to 31.07.2017. Regarding providing copies of NOCs for all of them the PIO has pleaded that since the information is voluminous the appellant can specify the vehicles and get the information.

I agree with the plea of the PIO that giving 7654 photo copies is a voluminous information and hence direct the appellant to specify a maximum 20 number of vehicles and get the information. The PIO is directed to provide the same.

Case Disposed off.

**Chandigarh
Dated 02.02.2021**

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

**CC to :1. State Transport Commissioner, Pb,
Sector 17, Chandigarh.**

**2. Secretary, Govt of Punjab,
Department of Transport,
Chandigarh.**