



Sh.Navdeep Gupta,
Kohti No-455, Gillco Valley,
Kharar, Distt Mohali.

... Complainant

Versus

Public Information Officer,
AIGP, (Crime), Head Quarter,
Punjab Police, Sector-9, Chandigarh.

...Respondent

Complaint Case No. 980 of 2018

Present: None for the Complainant
Sh.Prem Masih, ASI O/o AIG(Crime) for the Respondent

Order:

The case was first heard on 27.11.2018. It was observed that as per record the complainant filed application with Punjab Police Headquarter which transferred the application to AIG(Crime) Punjab Police on 16.07.2018. The complainant informed that he has not has not received any communication or information from the PIO.

The PIO AIG(Crime) was directed to be present personally or through representative on the next date of hearing and explain the reasons for not attending to the RTI application within the time prescribed under the RTI Act 2005.

The case was again heard on **09.01.2019**. Since both the parties were absent, the case was adjourned. The PIO –AIG(Crime) was directed to comply with the earlier orders of the Commission which still stands and provide the information to the appellant as per the RTI application.

The case was last heard on **26.02.2019**. The order is reproduced hereunder:

“The respondent representing the case has nothing to do with the case since the record brought by the respondent is for the reply of a different case. The respondent from AIG(Crime) is absent again. The Commission has taken a serious view of this and directs the PIO-AIG(Crime), Punjab Police to comply with the earlier order of the Commission and provide the information to the complainant as per RTI Act. The PIO is also directed to appear personally or through a representative on the next date of hearing and explain the reasons for not attending to the RTI application within the time prescribed under the RTI Act.”

Hearing dated 02.04.2019:

The respondent present pleaded that the appellant had filed RTI application on 22.06.2018 which was received by their office on 16.07.2018 and since the information was related to the SSP Office, the RTI application was transferred to SSP Mohali on 08.08.2018.

Complaint Case No. 980 of 2018

The respondent further informed that the appellant has filed another appeal case No. 3836 of 2018 for seeking similar information which is fixed for hearing on 15.04.2019 before Sh.S.S.Channy, Chief Information Commissioner. The respondent has submitted a copy of the order of CIC dated 11.03.2019.

Having gone through the file, the Commission observes that since both the RTI applications are similar, and on the appeal case No.3836/2018, the CIC has already passed an order to provide the information to the appellant, no further course of action is required in this case. The case is disposed off and closed with a warning to the appellant not to file similar appeal and give false certificate stating that the matter under appeal or complaint have not been previously filed or pending or decided by any of the State Information Commissioner.

The case is disposed **off and closed**.

Chandigarh
Dated: 02.04.2019

(Khushwant Singh)
State Information Commissioner



Sh. Devan Munjal,
Ward No-13, Near Usha Nursing Home,
Gidderbaha.

... Complainant

Versus

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

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

...Respondent

Complaint Case No. 1099 of 2018

Present: None for the Complainant
None for the Respondent

ORDER:

The case was first heard on **09.01.2019**. The complainant stated that since the PIO provided the information only on point No.4 out of 9 points, he filed first appeal with the First Appellate Authority which marked the same to the Tehsildar Gidderbaha to adjudicate the appeal. The Tehsildar denied the information stating that it is in question form. The appellant further stated that the information has been delayed intentionally and with malafide and the First Appellate Authority had not properly handled the RTI application, for the decision cannot be taken by the PIO when the case has come to the First Appellate Authority.

The respondent was absent. The PIO was directed to relook at the RTI application and provide all the information which is available with the public authority, even it has been raised in question form. Information, even if asked in question form, but is in the possession of the public authority, should be provided. The PIO was also directed to be present on the next date of hearing alongwith the reasons for delay in providing the information.

The case was last heard on **26.02.2019**. The order is reproduced hereunder:

“The appellant informed that he has not received the information. The respondent is absent. Vide email, the respondent has sought exemption stating that as per order of the Deputy Commissioner, Mukatsar Sahib, the respondent has been asked to remain at the station during the leave period of SDM Giddarbaha from 26.02.2019 to 01.03.2019. The PIO has further informed that the information has been sent to the complaint vide letter dated 25.02.2019 and a copy of the same is sent to the Commission.

A copy of the information has been provided to the complainant. The complainant is not satisfied with the information regarding points 6 & 7. The PIO is directed to allow the inspection of the concerned record regarding points 6 & 7 by fixing a mutually convenient date and time and provide the information before the next date of hearing. The PIO is also directed to be present personally or through a representative on the next date of hearing and explain the reasons for not providing the information within the time prescribed under the RTI Act.”

Complaint Case No. 1099 of 2018

Hearing dated 02.04.2019:

The appellant is absent and vide email has sought exemption. The appellant further informed that he visited the office of the PIO on 15.03.2019 and 20.03.2019 but the Tehsildar was not available in the office and nobody showed any concern.

The respondent is absent without intimation to the Commission. The PIO is directed to contact the appellant and fix a mutually convenient date & time for inspection within 10 days and provide the information to the appellant as per previous order which still stands.

The case is adjourned. To come up on **21.05.2019 at 11.00 AM** for further hearing.

Chandigarh
Dated: 02.04.2019

(Khushwant Singh)
State Information Commissioner



Sh.Tejinder Singh,
R/o Village Bholapura,
PO Ramgarh, Chandigarh Road,
Ludhiana.

... Appellant

Vs

Public Information Officer,
SDM, Licensing Authority & Registering,
Samrala, District Ludhiana.

First Appellate Authority,
DC. Ludhiana.

...Respondent

Appeal Case No. 1264 of 2018

Present **None for the Appellant**
Mrs.Sarabjit Kaur, Superintendent-cum-PIO O/o SDM Samrala and
Sh.HarbhajanLal for the Respondent

Order: The case was last heard on **12.02.2019**. The appellant was present. Mrs.SarabjitKaur, Superintendent O/o SDM Samrala and Ms.LovjeetKalsi, SRTA Ludhiana were also present. The order is reproduced hereunder:

Facts of the Case-

- 1) That the appellant Sh.Tejinder Singh filed an RTI application on 22.11.2017 seeking 9 points information regarding licenses issued from August 2017 to Nov.2017 concerning the office of SDM(Licensing & Registering) Samrala.
- 2) That the information was not provided within the stipulated time under section 7 of the RTI Act, after which the appellant filed the first appeal on 07.01.2018 with the First Appellant Authority which took no decision on the appeal.
- 3) That on not getting the information, the appellant filed a second appeal with the State Information Commission, which first came up for hearing on 18.06.2018.
- 4) That on the date of the hearing (**18.06.2018**), Smt.SarabjitKaur, PIO was present who informed that the information has been provided to the appellant vide letter dated 19.12.2017. However, it was observed that the PIO in the reply mentioned that points 2&5 do not relate to their department but had not forwarded the RTI application to the concerned department. The PO was directed to forward the same to the concerned department and the PIO of that department was directed to provide the information immediately and be present on the next date of hearing which was fixed for 25.07.2018.
- 5) That on the date of hearing (**25.07.2018**), the respondent was absent. The appellant informed that he has received the information regarding points No.1,7& 8 vide letter dated 25.6.2018. However, as mentioned by the PIO in the letter that the remaining information relates to the department of SRTA Ludhiana and STC, Punjab Chandigarh, but the PIO has not forwarded the RTI application to the concerned departments.

The PIO was directed to provide the complete information relating to them and forward the RTI application to the concerned department for remaining information. The PIO was also directed to be present on the next date of hearing with solid reasons for not complying with the orders of the Commission The PIO of STA Ludhiana and PIO of STC Punjab, Chandigarh were also directed to provide the information to the appellant and be present on the next date of hearing.

Appeal Case No. 1264 of 2018

- 6) That on the next date of hearing, which was held on **24.09.2018**, the PIO was present and informed that the RTI application has been transferred to the concerned departments on 13.08.2018 but the information is still awaited from them. The PIO, however, did not file explanation regarding delay in transferring the RTI application to the concerned departments. The appellant also did not receive the information from SRTA Ludhiana and STC Punjab, Chandigarh. The PIO, SDM(Licensing & Registering), Samrala, PIO-SRTA Ludhiana and PIO-STC Punjab, Chandigarh were directed to be present at the next date of hearing with reasons for delay in providing the information.
- 7) That the case came up for hearing again on **05.11.2018**. The PIO-SDM Samrala was present. Sh.Ravinder Singh Clerk, from the office of SRTA Ludhiana was present who informed that the information for which the application was forwarded to them by the PIO-cum-SDM Samrala vide letter dated 20.08.2018 does not pertain to them and they have already written a letter to the PIO-SDM Samrala that the same be collected from the office of State Transport Commissioner, Punjab, Chandigarh.

The Commission observed that the application was being transferred from one desk to the other and not being attended. The PIO-SDM Samrala was asked to explain the reasons for delay in transferring the RTI application since reply vide letter dated 13.08.2018 was not appropriate to justify the enormous delay of 8 months. The PIO was directed to collect all the information from the concerned departments and send it to the appellant.

The PIO was also directed to be present personally on the next date of hearing which was fixed for 19.12.2018 and explain the reasons for such enormous delay of 8 months in transferring the RTI application.

- 8) That at the hearing on **19.12.2018**, the respondent PIO-SDM Samrala pleaded that, the information regarding points 2,3,4&5 concerning the office of STC Punjab Chandigarh has been provided to the appellant by collecting the same from them. Regarding information relating to point 9, the SRTA Ludhiana has asked for the deposit of a fee of Rs.16318/- for total 8154 driving tests conducted from 01.08.2017 to 22.11.2017. Regarding delay in transferring the RTI application, the PIO pleaded that the delay has occurred on the part of the concerned clerk since it was not clear to him, from which department the information has to be supplied but it was not intentional. The plea of the PIO-SDM Samrala was taken on the record.

It was observed that during the hearing on 05.11.2018, the representative present from the office of SRTA Ludhiana had denied having the information but now, in its report dated 15.11.2018, the SRTA has asked for deposit of fee which clearly indicates that the SRTA has misled the Commission about the information in its possession. The Commission directed that an enquiry be conducted into the matter and the official responsible for giving misleading statement be identified. The SRTA Ludhiana was directed to provide the information free of cost and the information be provided via CD within 10 days. Further because of the dilly dallying of all the public authorities involved in this particular case, the PIO-SDM Samrala was made deemed PIO and was asked to collect the information from the concerned departments and send it to the appellant.

- 9) That the case has come up for hearing today (**12.02.2019**). The PIO-SDM Samralais present. The PIO-SRTA is also present. The SRTA has brought the information regarding point 9 in a CD and handed over to the appellant. The SRTA further stated that after conducting driving tests, the entire report including track record is sent to the concerned SDM. In this case, the SDM Samrala is the custodian of the record.

Having gone through the entire sequence of the events, it has been established that the final custodian of the information is SDM Samrala and the SDM Samrala has unnecessarily been dilly dallying the information. It has also been observed that the PIO-SDM Samrala has not handled the RTI application in time as well as with appropriate due diligence and has misled the Commission.

Order.

Keeping the above facts of the case in mind and its close scrutiny, this is a fit case to invoke section 20 of the RTI Act. The PIO-SDM Samrala is directed to **show cause why penalty be not imposed on the PIO under section 20 of the RTI Act 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 alongwith the written replies.

Further, the Commission is of the view that since the appellant has had to suffer undue inconvenience to get the information, it is a fit case for awarding compensation to the appellant u/s 19(8)(b) of the RTI Act.

The PIO-SDM Samrala is directed to pay an amount of **Rs.3000/-** via demand draft drawn through Govt. Treasury as compensation to the appellant for the loss and detriment suffered by him of having to file the appeals and not getting information in time. The PIO is directed to duly inform the Commission of the compliance of the order and submit proof of having compensated the appellant.”

Hearing dated 02.04.2019:

The respondent present pleaded that in compliance with the order of the Commission, they have paid compensation amount of Rs.3000/- to the appellant vide demand draft No.000105 dated 22.03.2019 and the appellant has acknowledged the receipt of the same. The respondent further pleaded that the remaining information has also been provided to the appellant.

The respondent has also submitted reply to the show cause notice which is taken on the file of the Commission. The respondent in her reply has stated that the delay had occurred since the information was to be collected from different departments. The appellant has also shown satisfaction having received the information and the compensation.

Having gone through the entire case and the reply of the respondent, the commission finds no malafide on the part of the PIO and drops the show cause. However, the case is disposed off with a warning to the PIO to be careful in attending to the RTI applications in future.

The case is **disposed off and closed.**

Chandigarh
Dated: 02.04.2019

(Khushwant Singh)
State Information Commissioner

CC to : Regional Transport Authority,
Ludhiana.



Smt. Renu Bala, W/o Sh. Davinder Kumar,
H No-7, Chotta Chowk, Malerkotla..

... Appellant

Versus

Public Information Officer,
Principal, S.A Jain High School,
Malerkotla.

First Appellate Authority,
DEO (SE),
Sangrur

...Respondent

Appeal Case No. 1747 of 2018

Present: Renu Bala as the Appellant
Sh.Imran Farooqi Advocate on behalf of the PIO-S.A.Jain High School and
Sh.Raj Pal Singh, Dy.DEOSangrur for the Respondent

ORDER:

The case was first heard on **30.08.2018**: The respondent was absent and has sought adjournment due to hearing before the Educational Tribunal in another case. The PIO was directed to provide the information to the appellant within 15 days of the receipt of orders of the Commission. The PIO was also directed to explain the reasons for not responding to the RTI application within time prescribed under the RTI Act.”

The case was again heard on **09.10.2018**. The respondent present pleaded that the information is with the Management Committee and the appellant has been informed vide letter dated 18.04.2018. The PIO was directed to procure the information from the Management Committee and send the same to the appellant within 15 days. The PIO was also directed to send a compliance report to the Commission.

The case again came up for hearing on **21.11.2018**. The counsel present on behalf of the respondent sought adjournment. The counsel further pleaded that he only came about the case a day before and assured to provide the information before the next date of hearing. The PIO was directed to comply with the previous order which still stands and in case the order is not complied with, the Commission will be constrained to take action as per the RTI Act.

The case was further heard on **15.01.2019**. The respondent was absent and vide email had sought exemption for personal appearance on medical grounds. The appellant was also absent and has not intimated whether the appellant had received the information or not. The PIO is directed to comply with the earlier order of the Commission which still stands and send a compliance report to the Commission.

The case was last heard on **11.03.2019**. The appellant informed that no information had been provided by the PIO. The was absent. The PIO was issued **a show cause notice under section 20 of the RTI Act for not supplying the information as well for not complying with the order of the Commission** and the PIO was directed to file reply on an affidavit. The PIO was also directed to appear before the Commission alongwith the written reply.

The PIO-Principal, S.A.Jain High School, Malerkotla was again directed to provide the information to the appellant within 10 days.

The Commission also observed that the school appears to be an aided school and falls under the jurisdiction of DEO (Secondary Education), Sangrur. The PIO-DEO (SE) Sangrur was also impleaded as a party of the case and directed to ensure compliance of the order of the Commission. The PIO-DEO(SE) Sangrur was also directed to be present on the next date of hearing.

Hearing dated 02.04.2019:

The respondent has brought the information and handed it over to the appellant. The appellant however, is not satisfied with the information that the respondent has brought. Even though the information has been certified duly, the appellant has alleged that the copy of the attendance register, which is being handed to her is not a factual document and that the SA Jain High School management has tampered with the record to hide their discrepancies. The appellant pointed out that the register does not have her attendance, even though she has been paid a salary for that period where she has been marked absent, which itself is self-explanatory that the document is fudged.

This case is unique in ways more than one. Firstly, the issue before the commission is to ascertain whether the sought information on 13.02.2018 was provided on time as per the RTI Act. Secondly, if not, what were the circumstances that lead to the delay in providing the information that was finally brought today (02.04.2019), and thirdly whether the information provided is factual or not, and if not what is the next course of action to be taken.

Having gone through the merits of the case and its history, it is clear that the information was not provided on time and was denied at the first instance with an excuse that the information is with the Management Committee vide letter dated 18.04.2018. The history of this case also clearly establishes that that information was delayed time and again in spite of the various orders of the commission (30.08.2018, 09.10.2018, 21.11.2018 & 15.01.2019), which also proves the fact that the respondent was reluctant in sharing the information and kept dilly-dallying to part with the sought information.

The pretext largely by the PIO to deny the information was based on the claim that the custody of the information was with the management of the school and it had to be procured from them to provide the information, after which the PIO was directed to do the needful and hand out the sought information. The PIO on not following the directions of the commission repeatedly, was finally show-caused under section 20 of the RTI Act on 11.03.2019 that why penalty should not be imposed for not supplying the information on time as well as not complying with the orders.

Given these above facts, and even though the commission finds a grave error on the part of the PIO, it also observed that the designated PIO is a mere PT teacher in the school and cannot on his own, provide the information without the consent of the Management. The facts also lead to the inference that the delay happened at the end of the management, which is the actual custodian of the sought information and there was no way that the PIO could provide the information on his own. The PIO is a mere employ and the difference in rank between the management and the PIO is huge, a fact virtually renders the PIO helpless in case the management decides to withhold information.

From the above arguments, I conclude that there is no point in pursuing the show cause against the PIO as he is merely following instructions. Hence, the show-cause against the PIO is dropped and the fact that since the Management is responsible for this delay in providing the information to the appellant, I hereby declare the President of the management Committee as the deemed PIO ((ref. Central Information Commission order No.CIC/DGEAT/A/2018/117567 dated 02.11.2018 – Sandeep Singh Jadoun v. PIO,PGEAT) and direct him to show cause why a maximum penalty should not be imposed on him for the reasons above. The President is directed to appear personally with his reasons on an affidavit.

Appeal Case No. 1747 of 2018

Regarding the allegation by the appellant about the provided copies of the attendance register being fudged, given the track record of this case, I see every reason to investigate this matter further. With this, I direct the President of SA Jain High School to come with the original register from the period 01.01.2016 to 31.12.2016 and 01.01.2017 to 13.02.2018 to the commission, which will be corroborated with the record that must have been submitted to the District Education Officer's since it is a govt. aided school. The PIO-DEO Sangrur is directed to bring the original attendance record and all the relevant documents to the case, which were submitted by the school authorities at the next date of hearing.

The case is adjourned. To come up on **21.05.2019 at 11.00 AM** for further hearing.

Chandigarh
Dated: 02.04.2019.

(Khushwant Singh)
State Information Commissioner

CC to :PIO-DEO(SE) Sangrur



Sh.Paramjeet Singh, S/o Sh.Jarnail Singh,
Ward No-27, Street No-11, Devindra Road,
Malout, Distt Sri Mukatsar Sahib.

... Appellant

Versus

Public Information Officer,
DPI (SE), P.S.E.B,
Phase-8, Mohali.

First Appellate Authority,
DPI (SE), P.S.E.B,
Phase-8, Mohali.

...Respondent

Appeal Case No. 1793 of 2018

Present: None for the Appellant
Sh.Lalit Kishore Ghai, Assistant Director-cum-PIO for the Respondent

ORDER: The case was first heard on **28.08.2018**. The respondent was absent. The PIO was directed to provide the information in accordance with the RTI Act and be present personally on the next date of hearing with explanation for his absence. The PIO was also directed to explain the reasons for not responding the RTI within the time as per the RTI Act.

The case was again heard on **08.10.2018**. The respondent present pleaded that they received the RTI application only on 15.2.2018 from their RTI cell and they have already transferred the application to DEO Ferozepur on 06.03.2018. The respondent further pleaded that DEO Ferozepur has not provided the information.

Having seen the file, it was observed that since the file is being transferred from desk to desk, the PIO was directed to coordinate with the concerned department and send the information to the appellant as per RTI application within 10 days and be present on the next date of hearing with valid explanation for delay in responding to the RTI application.

The case was again heard on **20.11.2018**. The respondent present submitted a letter of the PIO dated 16.11.2018 whereby the PIO informed the appellant that the Deputy Director (Recruitment) who was appointed as enquiry office for conducting enquiry of Sh.Harpal Singh, Math Teacher, has submitted his enquiry report which is pending for further action. The appellant was not satisfied with the reply of the PIO. The PIO was directed to relook at the RTI application and provide the point-wise information to the appellant within 15 days. The PIO was also directed to be present personally on the next date of hearing with valid explanation for delay in responding to the RTI application.

The case came up for hearing on **05.02.2019** through **video conference facility** available in the office of the Deputy Commissioner, ShriMukatsar Sahib. The Commission received a copy of letter diary No.26336 on 21.12.2018 from the PIO vide which the PIO had sent following reply to the appellant:

- Point-a Information provided.
- Point-b The name of Sh.Harpal Singh is not mentioned in the general category list of selection branch.
- Point-c to j Not available in the record

The appellant informed that he wants the merit list of the appointment. From the letter of the PIO that Sh.Harpal Singh, Math teacher has been suspended officially, there appears to be a foul play in the selection of Sh. Harpal Singh.

Appeal Case No. 1793 of 2018

The PIO was absent. The PIO was directed to provide a copy of the merit list which clearly states the teacher selected. The PIO was also directed to be present personally on the next date of hearing with explanation for delay in attending to the RTI application on an affidavit otherwise the Commission will be constrained to take action under the RTI Act.

The case was last heard on **27.02.2019**. The order is reproduced hereunder:

“The respondent pleaded that the information has been provided. The appellant is not satisfied. The appellant reiterates that he wants the merit list of regular appointments of math teachers, which has not been provided in spite of the commission's orders. The respondent is directed, as was in the last order, to provide the merit list of regular appointment of the math teachers of the time period asked by the appellant in the RTI application. To be provided within 5 days of the receipt of the order along with a compliance report to the Commission.

As for the delay in providing the information, the respondent has submitted an affidavit, which is taken on the file of the Commission. The respondent in the affidavit has pleaded that since the large part of the information sought by the appellant was available in the personal file of the concerned employee which remains at the place of posting of individual employee, the RTI application had been transferred to the District Education Officer (SC) Ferozpur on 06.03.2018 with the orders to provide the information.

The respondent further mentioned that delay occurred since the information under the name of Sh. Harpal Singh was found to be suspicious, and after the orders of the commission to provide the information, it was found that the name of Sh.Harpal Singh did not exist in the general category list of selection branch after which he was suspended on 10.12.2018 and the relevant information was sent to the appellant vide letter dated 12.11.2018. The respondent further stated that Sh.B.C.Gupta, a retired Session Judge has hence been appointed on 24.01.2019 to conduct an enquiry as to how Harpal Singh joined as a regular Math teacher despite not being on the merit list.

This has been a unique case where through a RTI application, apparently a scam of someone joining as a regular teacher in a fraudulent manner in Punjab's education department has come to the fore.

Keeping in view the above facts, the Commission is of the view that because of the delay in providing the information the appellant has had to suffer undue inconvenience to get the information and thereby it is a fit case for awarding compensation to the appellant u/s 19(8)(b) of the RTI Act.

The PIO is directed to pay an amount of **Rs.5000/-** via demand draft drawn through Govt. Treasury as compensation to the appellant for the loss and detriment suffered by him of having to file the appeals and not getting information in time. The PIO is directed to duly inform the Commission of the compliance of the order and submit proof of having compensated the appellant. The appellant is exempted for personal appearance.”

Hearing dated 02.04.2019:

The respondent present pleaded that in compliance with the order of the Commission; they have paid the compensation amount of Rs.5000/- to the appellant via RTGS and a copy of receipt is submitted to the Commission. The respondent further pleaded that they have also sent a copy of the merit list of general category to the appellant vide letter dated 05.03.2019.

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

Chandigarh
Dated: 02.04.2019

(Khushwant Singh)
State Information Commissioner

ShSarabjeet Singh Gill,
H No-60/35-P/376-1, Street No-8,
Maha Singh Nagar, P.O DhandariKalan,
Ludhiana.

Appellant.

Versus

Public Information Officer
O/o CA-Cum-Director, PUDA,
Mohali.

First Appellate Authority,
O/o CA-Cum-Director, PUDA,
Mohali.

...Respondent

Appeal Case No. 2950 of 2018

Present: None for the Appellant
None for the respondent

Order:

The case was first heard on **13.11.2018**. The respondent present submitted a letter dated 12.11.2018 of the APIO vide which the appellant was asked to contact the the Municipal Committee since the information relates to them. However, the respondent did not transfer the RTI application to the concerned PIO. The respondent was also without any authority letter and has no clue of complete case file.

The PIO was directed to forward the RTI application to the PIO of the concerned Municipal Committee and the PIO concerned was directed to send the information to the appellant before the next date of hearing as per RTI application. The PIO- PUDA was also directed to explain the reasons for not forwarding the RTI application to the concerned PIO within the time prescribed under the RTI Act and be present on the next date of hearing.

The case was again heard on **08.01.2019**. The respondent present pleaded that since the information relates to the office of MC Nayagaon, the RTI application has been transferred to them vide letter dated 22.11.2018.

The PIO-MC Nayagaon was absent. The PIO-MC Nayagaon was directed to provide the information to the appellant as per RTI application forwarded by the PIO-PUDA on 22.11.2018, within 15 days and be present personally on the next date of hearing.

The PIO-PUDA was also directed to explain the reasons for delay in forwarding the RTI application to the concerned PIO within the time prescribed under the RTI Act. The explanation be sent to the Commission within a week by registered post.

The case was last heard on **25.02.2019**. The order is reproduced hereunder:

“The respondent present pleaded that since the information relates to MC Nayagaon, the RTI application has been transferred to them.

At the last hearing, the PIO-MC Nayagaon was directed to provide the information and be present on the next date of hearing. The PIO-MC Nayagaon is absent. The appellant is also absent. Since it is not clear whether the information has been provided or not, the case is adjourned with the directions that the PIO-MC Nayagaon to appear personally before the Commission on the next date of hearing failing which the Commission will be constrained to take action as per the RTI Act.

Regarding delay in transferring the RTI application, the respondent pleaded that since the information relates to MC Nayagaon, the appellant was informed vide letter dated 12.11.2018 to contact the concerned authority. However, inadvertently, the RTI application was not sent to the concerned authority. The RTI application has now been transferred to the concerned PIO-MC Nayagaon.

Since the matter pertains to MC Nayagaon, the PIO-PUDA is exempted and his reply about the delay in transferring the application is accepted.”

Hearing dated 02.04.2019:

The appellant is absent and vide email has sought exemption. The appellant has further informed that no information has been provided by the PIO.

The PIO-MC Nayagaon is absent and nor has sent any communication for exemption. The PIO-MC Nayagaon is hereby granted one more opportunity to provide the information to the appellant as per the RTI application forwarded by the PIO-PUDA on 22.11.2018 and be present on the next date of hearing otherwise the Commission will be constrained to take action under the RTI Act.

To come up for further hearing **on 21.05.2019 at 11.00 AM.**

Chandigarh
Dated: 02.04.2019

(Khushwant Singh)
State Information Commissioner

CC to PIO-MC Nayagaon.

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.Manjit Singh,S/o Sh.Sohan Singh,
H no-388/3, Bahera Road,
Patiala.

Appellant.

Versus

Public Information Officer
O/o DIG,
Patiala.

First Appellate Authority,
O/oDGP,
Pb,Chandigarh.

...Respondent

Appeal Case No. 3314 of 2018

Present: Sh.Manjit Singh as Appellant
Sh.Saurav Jindal, DSP O/o IG Patiala, Sh.Ajeet Singh, ASI O/o SSP Patiala
andSh.Jai Singh Incharge RTI cell O/o IG Patiala for the Respondent

ORDER: The case was first heard on **18.12.2018**.The respondent present submitted a letter dated 17.12.2018 of the PIO stating therein that the information has already been provided to the appellant in appeal case No.2017 of 2018 and in appeal case No.1561 of 2018 which were disposed off by the concerned SICs on 04.09.2018 & 03.12.2018 respectively. The appellant had denied having received the information in the present case.

Having gone through the RTI application and the reply of the PIO, the Commission directed the PIO to provide information regarding points 1,2,6& 9. The appellant was also asked to visit the office of PIO for inspection and get the information.

The case was last heard on **12.02.2019**. The order is reproduced hereunder:

“The respondent present pleaded that the information has already been provided to the appellant. The appellant informed that he has sought the information regarding application filed in the office of DIG Patiala.

Now the matter is that the appellant is seeking information regarding action taken report on his complaints which were filed in the office of the DIG Patiala whereas the information that has been provided to the appellant pertains to his complaints filed in the office of SSP Patiala.

At the hearing, the appellant has informed that the DIG office has been abolished and the task of the DIG is now being handled by the IG Patiala. The PIO-IG Patiala is hereby directed to look at the RTI application and provide the action taken report on the applications mentioned above. The PIO-IG Office is also directed to be present personally or through its representative at the next date of hearing.”

Hearing dated 02.04.2019:

The respondent present pleaded that as per procedure, all the complaints received from the complainant are sent to the concerned office for further action.

The Commission has received a letter diary No.5598 dated 13.03.2019 from the office of IGP whereby the PIO has stated that the appellant through RTI application dated 15.01.2018 had sought information on his 06 complaints dated 19.11.2016, 17.12.2016, 07.08.2017, 25.09.2017, 27.09.2017 and 13.11.2017 which were filed against the employees of the

Appeal Case No. 3314 of 2018

Transport department. Since the matter was related to the SSP Patiala, and all complaints (except one complaint dated 19.11.2016 which was not found received in the office of the IG), had already been sent to the office of SSP Patiala for taking necessary action, the RTI application dated 15.01.2018 received from the appellant was also transferred to SSP office vide letter No.1873/RTI dated 18.01.2018 under section 6(3) of the RTI. Further the office of SSP Patiala vide their letter dated 20.04.2018 sent a reply to the appellant that since the enquiry on the complaints is pending with SP Patiala, the information cannot be provided under section 8(1)(h) of the RTI Act.

The appellant claims that he wants only the copies of his complaints filed with the office of DIG Patiala which are now with the SSP Patiala.

Having gone through the entire case, the Commission finds that section 8(1)(h) does not imply on this case since the appellant wants only the copies of his complaints. The PIO-SSP Patiala is hereby impleaded in the case and is hereby directed to provide copies of the complaints dated 17.12.2016, 07.08.2017, 25.09.2017, 27.09.2017 and 13.11.2017 to the appellant within 10 days of the receipt of the order of the Commission.

With the above observations, the case **is disposed off and closed.**

Chandigarh
Dated: 02.04.2019

(Khushwant Singh)
State Information Commissioner

CC to PIO-IG Patiala



Sh.Manjit Singh, S/o Sh.Sohan Singh,
H no-388/3, Bahera Road,
Patiala.

Appellant.

Versus

Public Information Officer
O/o Finance Minister,
Pb, Chandigarh..

First Appellate Authority,
O/o Chief Minister,
Pb, Chandigarh.

...Respondent

Appeal Case No. 3316 of 2018

Present: Sh.Manjit Singh as Appellant
Ms.SimranpreetKaur O/o Principal Secretary, Punjab, Department of Transport, Sh.Arun Kumar, APIO (Finance Department), and Ms.Sunita APIO CM Office for the Respondent

ORDER:

The case was first heard on **18.12.2018**. The respondent present pleaded that the appellant had filed RTI application with the office of Finance Minister, Punjab and they received the application from the office of Finance Minister on 25.07.2018. The respondent further pleaded that the appellant was asked vide letter dated 03.08.2018 to deposit requisite fee for getting information but the appellant has not deposited the fee. The appellant had denied having received the reply of the PIO.

Having gone through the file, it was observed that the RTI application was attended by the PIO well within the time but the appellant had not filed first appeal with the appropriate authority. The appellant was directed to deposit the requisite fee and get the information.

During further scrutiny of the case, it was observed that the appellant had filed two similar applications seeking exactly the same information vide appeal case No.3317/2018 & appeal case No.3318/2018 from the office of Chief Secretary, Punjab, Chandigarh. The Commission found it clearly a violation of the spirit of the RTI Act as it diverts the resources of the department/public authority unnecessarily. Keeping this fact in mind, all these three cases were clubbed together. The Commission made Ms.SimranpreetKaur O/o of Principal Secretary, Govt of Punjab, Department of Transport as deemed PIO and directed the PIO to provide the information to the appellant within 10 days after receipt of requisite fee. The PIO was also directed to submit proof of dispatch of letter dated 03.08.2018.

The case was last heard on **12.02.2019**. The order is reproduced hereunder:

“The respondent present pleaded that the appellant has not deposited the requisite fee. The respondent has also submitted proof of dispatch of letter dated 03.08.2018.

At the last hearing, Ms.SimranpreetKaur was made a deemed PIO and she was directed to provide the information in all three cases which were clubbed together keeping in view the appellant's two other similar applications seeking exactly the same information vide appeal case No.3317/2018 and appeal case No.3318/2018 from the office of Chief Secretary, Punjab, Chandigarh. The respondent pleaded that since part of the information sought pertains to the

office of STC Punjab, they have already sent a request letter to the STC asking them to provide the information but the same is still awaited.

The PIO-STC, Punjab, Chandigarh is hereby made a party and is directed to handover the information to Ms.SimranpreetKaur immediately enabling her to send the information to the appellant before the next date of hearing. The PIO is directed to provide the information after taking requisite applicable fee from the appellant.”

Hearing dated 02.04.2019:

The respondents present from CM Office and Finance Department pleaded that since the information relates to the office of State Transport Commissioner, they should be exempted. The respondent present from the office of Principal Secretary, Transport, Punjab pleaded that the information concerning them relating to points 1 & 2 has been provided to the appellant and since the remaining information relates to STC Punjab, Chandigarh, they have corresponded many times with the office of State Transport Commissioner but they have not provided the information.

In the last hearing, the PIO STC was impleaded in the case and the PIO-STC was directed to handover the information to Ms.Simranpreet Kaur(deemed PIO) enabling her to send the information to the appellant. The PIO-STC is absent and vide email has sought exemption pleading that the Chief Secretary Transport has fixed a meeting on 02.04.2019 relating to Punjab Road Safety Council, for which they have to prepare an agenda for the meeting and have also to attend the meeting.

Given the circumstances, it is clear that the information lies with the STC, Punjab, hence the PIO-STC is hereby directed to provide the information in all three appeal cases No.3316/2018, 3317/2018 & 3318/2018 which were clubbed together in the last hearing. The PIO-STC is also directed to appear personally on the next date of hearing. Ms.Simranpreet Kaur is no longer the deemed PIO in this case as ordered earlier and is exempted. The respondent from Finance Department and CM office are also exempted.

To come up on **21.05.2019 at 11.00 AM** for further hearing.

Chandigarh
Dated: 02.04.2019

(Khushwant Singh)
State Information Commissioner

**CC to: The PIO, State Transport Commissioner, Punjab,
Chandigarh.**

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.Manjit Singh, S/o Sh.Sohan Singh,
H no-388/3, Bahera Road,
Patiala.

Appellant.

Versus

Public Information Officer
O/oChief Secretary,
Pb, Chandigarh.

First Appellate Authority,
O/oChief Secretary,
Pb, Chandigarh.

...Respondent

Appeal Case No. 3317 of 2018

Present: Sh.Manjit Singh as Appellant
Ms.SimranpreetKaur O/o Principal Secretary, Punjab, Department of Transport, Sh.Arun Kumar, APIO (Finance Department), and Ms.Sunita APIO CM Office for the Respondent

ORDER:

The case was first heard **on 18.12.2018**.The respondent present pleaded that the appellant had filed RTI application with the office of Chief Secretary, Punjab and they received the application from the office of Chief Secretary on 06.07.2018. The respondent further pleaded that the appellant was asked vide letter dated 18.07.2018 to deposit requisite fee for getting the information but the appellant had not deposited the fee. The appellant had denied having received the reply of the PIO.

Having gone through the file, it was observed that the RTI application was attended by the PIO well within the time. The appellant was hereby directed to deposit the requisite fee and get the information.

During further scrutiny of the case, it was observed that the appellant had filed two similar applications seeking exactly the same information vide appeal case No.3316/2018 & appeal case No.3318/2018 from the office of Finance Minister, Punjab and the office of Chief Secretary, Punjab, Chandigarh. The Commission found it clearly a violation of the spirit of the RTI Act as it diverts the resources of the department/public authority unnecessarily. Keeping this fact in mind, all these three cases were clubbed together. The Commission made Ms.SimranpreetKaur O/o of Principal Secretary, Govt of Punjab, Department of Transport as deemed PIO and directed the PIO to provide the information to the appellant within 10 days after receipt of requisite fee. The PIO was also directed to submit proof of dispatch of letter dated 18.07.2018.

The case was last heard on **12.02.2019**. The order is reproduced hereunder:

“The respondent present pleaded that the appellant has not deposited the requisite fee. The respondent has also submitted proof of dispatch of letter dated 18.07.2018.

At the last hearing, Ms.SimranpreetKaur was made a deemed PIO and she was directed to provide the information in all three cases which were clubbed together keeping in view the appellant's two other similar applications seeking exactly the same information vide appeal case No.3316/2018 and appeal case No.3318/2018 from the office of Finance Minister, Punjab and the office of Chief Secretary, Punjab, Chandigarh. The respondent pleaded that since part of

the information sought pertains to the office of STC Punjab, they have already sent a request letter to the STC asking them to provide the information but the same is still awaited.

The PIO-STC, Punjab, Chandigarh is hereby made a party and is directed to handover the information to Ms.Simranpreet Kaur immediately enabling her to send the information to the appellant before the next date of hearing. The PIO is directed to provide the information after taking requisite applicable fee from the appellant.”

Hearing dated 02.04.2019:

The respondents present from CM Office and Finance Department pleaded that since the information relates to the office of State Transport Commissioner, they should be exempted. The respondent present from the office of Principal Secretary, Transport, Punjab pleaded that the information concerning them relating to points 1 & 2 has been provided to the appellant and since the remaining information relates to STC Punjab, Chandigarh, they have corresponded many times with the office of State Transport Commissioner but they have not provided the information.

In the last hearing, the PIO STC was impleaded in the case and the PIO-STC was directed to handover the information to Ms.Simranpreet Kaur(deemed PIO) enabling her to send the information to the appellant. The PIO-STC is absent and vide email has sought exemption pleading that the Chief Secretary Transport has fixed a meeting on 02.04.2019 relating to Punjab Road Safety Council, for which they have to prepare an agenda for the meeting and have also to attend the meeting.

Given the circumstances, it is clear that the information lies with the STC, Punjab, hence the PIO-STC is hereby directed to provide the information in all three appeal cases No.3316/2018, 3317/2018 & 3318/2018 which were clubbed together in the last hearing. The PIO-STC is also directed to appear personally on the next date of hearing Ms.Simranpreet Kaur is no longer the deemed PIO in this case as ordered earlier and is exempted. The respondent from Finance Department and CM office are also exempted.

To come up on **21.05.2019 at 11.00 AM** for further hearing.

Chandigarh
Dated: 02.04.2019

(Khushwant Singh)
State Information Commissioner

**CC to: The PIO, State Transport Commissioner, Punjab,
Chandigarh.**

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Sh.Manjit Singh, S/o Sh.Sohan Singh,
H no-388/3, Bahera Road,
Patiala.

Appellant.

Versus

Public Information Officer
O/o Chief Secretary,
Pb, Chandigarh.

First Appellate Authority,
O/o Chief Secretary,
Pb, Chandigarh.

...Respondent

Appeal Case No. 3318 of 2018

Present: Sh.Manjit Singh as Appellant
Ms.SimranpreetKaur O/o Principal Secretary, Punjab, Department of Transport, Sh.Arun Kumar, APIO (Finance Department), and Ms.Sunita APIO CM Office for the Respondent

ORDER:

The case was first heard on **18.12.2018**. The respondent present pleaded that the appellant had filed RTI application with the office of Chief Secretary, Punjab and they received the application from the office of Chief Secretary on 12.07.2018. The respondent further pleaded that the appellant was asked vide letter dated 18.07.2018 to deposit requisite fee for getting the information but the appellant had not deposited the fee. The appellant had denied having received the reply of the PIO.

Having gone through the file, it was observed that the RTI application was attended by the PIO well within the time. The appellant was directed to deposit the requisite fee and get the information.

During further scrutiny of the case, it was observed that the appellant had filed two similar applications seeking exactly the same information vide appeal case No.3316/2018 & appeal case No.3317/2018 from the office of Finance Minister, Punjab and the office of Chief Secretary, Punjab, Chandigarh. The Commission found it clearly a violation of the spirit of the RTI Act as it diverts the resources of the department/public authority unnecessarily. Keeping this fact in mind, all these three cases were clubbed together. The Commission made Ms.Simranpreet Kaur O/o of Principal Secretary, Govt of Punjab, Department of Transport as deemed PIO and directed the PIO to provide the information to the appellant within 10 days after receipt of requisite fee. The PIO was also directed to submit proof of dispatch of letter dated 18.07.2018.

The case was last heard on **12.02.2019**. The order is reproduced hereunder:

“The respondent present pleaded that the appellant has not deposited the requisite fee. The respondent has also submitted proof of dispatch of letter dated 18.07.2018.

At the last hearing, Ms.Simranpreet Kaur was made a deemed PIO and she was directed to provide the information in all three cases which were clubbed together keeping in view the appellant's two other similar applications seeking exactly the same information vide appeal case No.3316/2018 and appeal case No.3317/2018 from the office of Finance Minister, Punjab and the office of Chief Secretary, Punjab, Chandigarh. The respondent pleaded that

since part of the information sought pertains to the office of STC Punjab, they have already sent a request letter to the STC asking them to provide the information but the same is still awaited.

The PIO-STC, Punjab, Chandigarh is hereby made a party and is directed to handover the information to Ms.Simranpreet Kaur immediately enabling her to send the information to the appellant before the next date of hearing. The PIO is directed to provide the information after taking requisite applicable fee from the appellant.”

Hearing dated 02.04.2019:

The respondents present from CM Office and Finance Department pleaded that since the information relates to the office of State Transport Commissioner, they should be exempted. The respondent present from the office of Principal Secretary, Transport, Punjab pleaded that the information concerning them relating to points 1 & 2 has been provided to the appellant, and since the remaining information relates to STC Punjab, Chandigarh, they have corresponded many times with the office of State Transport Commissioner but they have not provided the information.

In the last hearing, the PIO STC was impleaded in the case and the PIO-STC was directed to handover the information to Ms.Simranpreet Kaur(deemed PIO) enabling her to send the information to the appellant. The PIO-STC is absent and vide email has sought exemption pleading that the Chief Secretary Transport has fixed a meeting on 02.04.2019 relating to Punjab Road Safety Council, for which they have to prepare an agenda for the meeting and have also to attend the meeting.

Given the circumstances, it is clear that the information lies with the STC, Punjab, hence the PIO-STC is hereby directed to provide the information in all three appeal cases No.3316/2018, 3317/2018 7 3318/2018 which were clubbed together in the last hearing. The PIO-STC is also directed to appear personally on the next date of hearing Ms.Simranpreet Kaur is no longer the deemed PIO in this case as ordered earlier and is exempted. The respondent from Finance Department and CM office are also exempted.

To come up on **21.05.2019 at 11.00 AM** for further hearing.

Chandigarh
Dated: 02.04.2019

(Khushwant Singh)
State Information Commissioner

**CC to: The PIO, State Transport Commissioner, Punjab,
Chandigarh.**

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Sh. H.S Hundal,
82, Distt Court, SAS Nagar,
Mohali

...Appellant

Versus

Public Information Officer,
O/o PUDA,
Mohali.

First Appellate Authority,
O/o PUDA,
Mohali.

...Respondent

Appellant Case No. 3543 of 2018

Present: None for the Appellant
Sh.Gulshan Kumar, PIO PUDA for the Respondent and Sh.Sarva NandSaini
Authorized representative of WWICS

ORDER:

The case was first heard on 14.01.2019. Since both the parties were absent, the case was adjourned.

The case was last heard on **26.02.2019**. The order is reproduced hereunder:

“The case has come up for hearing today. The appellant through RTI application dated 01.05.2018 has sought information regarding allotment letter of plot No.A-12 Industrial Area, Phase-VI Mohali, notices/orders of recovery, penalty, resumption, reallocation and other information concerning the office of PUDA Mohali. The appellant was not provided the information after which filed first appeal before the First Appellate Authority on 08.07.2018 which took no decision on the appeal.

The respondent present pleaded that since the information sought by the appellant is 3rd party information, it cannot be provided. The respondent further pleaded that the RTI application was received by the concerned department on 18.06.2018 which issued a letter to the 3rd party on 10.07.2018 for seeking their consent. The 3rd party vide letter dated 31.07.2018 did not give its consent stating that the disclosure of information would harm the interest of the company and is protected under section 8 & 11(1) of the RTI Act.

The appellant says that there has been large scale building violations in the plot and claims that the revealing of this information will be in the larger public interest.

Before adjudicating the case, a reasonable opportunity is granted to the 3rd party under section 19(4) of the RTI Act and M/s WWICS Estates Pvt Ltd. Plot No.A-12, Industrial Area, Phase-VI, Mohali is hereby impleaded as a party to the case. If M/s WWICS Estates wants to plead the case, it should appear before the Commission on the next date of hearing.”

Hearing dated 02.04.2019:

The respondent present from WWICS Estates Pvt Ltd. Mohali has submitted his reply. In the reply, the respondent has stated that the information sought by the appellant has got no relevance and the appellant may use the said information against the interest of the company or its directors and disclosure of information may harm the interest of the company. Moreover, the information has no larger public interest and the appellant may use the same to malign and

Appellant Case No. 3543 of 2018

harm the competitive position of the company as the appellant was once engaged in the company for immigration to Canada but was declared disqualified based on the eligibility parameters by the Technical Assessment Team of the Company and since then, the appellant is filing frivolous applications before the different authorities.

The reply of the respondent is taken on the file of the Commission and will be considered on the next date of hearing.

The case is adjourned. To come up for further hearing on **21.05.2019 at 11.00 AM.**

Chandigarh
Dated: 02.04.2019

(Khushwant Singh)
State Information Commissioner

**CC to: M/s WWICS Estates Pvt Ltd. Plot No.A-12,
Industrial Area, Phase-VI, Mohali.**