

PUNJAB STATE INFORMATION COMMISSION

RED CROSS BUILDING, NEAR ROSE GARDEN,

SECTOR 16, CHANDIGARH.

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APPEAL CASE NO. 16 OF 2022

Shri Nanak Singh, (98724 81159)
S/o Sh. Dakhan Singh,
R/o V.P.O. Kanganwal (Via Sandol),
Tehsil Malerkotla, District Sangrur - 148020

...Appellant

Versus

Public Information Officer,
O/o Punjab State Cooperative Supply and
Marketing Federation Limited,
Sector – 35 – B, Chandigarh.

First Appellate Authority
O/o Managing Director,
MARKFED, Punjab,
Sector – 35 – B, Chandigarh.

...Respondents

HEARD Through CISCO WEBEX – VC/TELEPHONE

PRESENT: Shri Nanak Singh, Appellant.
Ms. Anita Rani, PIO – cum – CAO along with Shri Bhupinder Singh,
Establishment Officer for the Respondents (98156 15371)

ORDER (FIRST HEARING):

The RTI application is dated 20.09.2021 vide which the Appellant has sought information as enumerated in his RTI application. First Appeal was filed with the First Appellate Authority (hereinafter FAA) on 28.10.2021 and Second Appeal was filed in the Commission on 17.12.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act) and Notice of hearing was issued to the parties for 02.05.2022.

The PIO states that the similar RTI applications were filed by the appellant and the information sought by him was supplied, on the basis of which said cases had been disposed of.

On asking of the Bench, the Appellant reiterates his earlier version that no information has been provided to him.

In view of the above, the PIO is directed to bring along the original record which has been mentioned by her in the reply/letter no. EST/EAP-3/2022/169, dated 27.04.2022 along with copy of information earlier supplied, on the next date of hearing, failing which penal consequences shall follow.

The case is adjourned to **26.07.2022 at 11:00 AM in the Commission.** **Both the parties are directed to appear personally.** Copies of the order be sent to the parties.

Chandigarh
02.05.2022

(Maninder Singh Patti)
State Information Commissioner

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APPEAL CASE NO. 54 OF 2021

Shri Manjit Singh Komal, (99145 14555)
R/o # 174-A, Shastri Nagar,
Model Town, Ludhiana.

...Appellant

Versus

Public Information Officer,
O/o Police Station,
Salem Tabri, Ludhiana.

First Appellate Authority
O/o Commissioner of Police,
Ludhiana.

...Respondents

HEARD Through CISCO WEBEX – VC/TELEPHONE

PRESENT: Shri Manjit Singh Komal, Appellant.
None on behalf of the Respondents.

ORDER (EIGHTH HEARING):

This order may be read with reference to the previous order dated 13.04.2022.

The Appellant states that he has not received action taken report from the PIO till date.

After examining the case file, it is revealed that PIO has not provided complete information relating to the RTI application of the Appellant. The Appellant has also highlighted that till date information regarding action taken report has not been provided to him. It clearly shows that there is **a delay of about 19 months** for not supplying the complete information to the Appellant, which is definitely on a higher side and cannot be given a go by. Besides, the PIO O/o Police Station, Salem Tabri, Ludhiana seems totally unmindful and indifferent to the orders issued by the Commission on a number of occasions and he has openly defied the same. Before reaching to the conclusion, the relevant portion of order dated 09.09.2021 of the Commission are reproduced as under: -

"2. The respondent stated that the attested copies of information have been provided to the appellant.

3. The appellant stated that the copies of applications have been received, but the action taken report is still pending.

4. The respondent has provided the copies of applications and also paid the amount of compensation of Rs. 3000/- to the appellant. So far as the action taken report is concerned that is still pending. Hence the present appeal case is disposed of and closed with the direction to the SPIO that whenever the action taken report will be received, the attested copy of the same be sent to the appellant through registered post within 10 days and compliance report be sent to the Commission."

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APPEAL CASE NO. 54 OF 2021

When remaining information has not been provided to the appellant, he approached the Commission and case was reheard by the Bench of the undersigned on 13.04.2022 as under: -

"2. As nobody is present on behalf of respondent authority the case is adjourned to date 02.05.2022 through Cisco Webex at 11:00 am with the directions to respondent PIO, to file a reply/supply information and to be present in person on the next date of hearing. Failing to which action under section 20 (1) of the RTI Act will be initiated. On other hand, the appellant is hereby, directed to revert back to the authorities in case of deficiencies, if any, in the information so supplied by the respondent before the next date of hearing. In case the partial information is not available in the office record then an undertaking/affidavit may be filled in this regard to the appellant with a copy to the Commission therein mentioning the reasons for its non-availability."

Thus, the Commission draws the inference that the PIO, without any reasonable cause, has malafidly delayed information and thus, has rendered himself liable for punishment as provided under the RTI Act, 2005. He was given a number of opportunities to provide the information to the Appellant but he is delaying the matter on one pretext or the other. In these circumstances, **the PIO O/o Police Station, Salem Tabri, Ludhiana** is held guilty of default on the above score.

The facts of this case also proved beyond any doubt that the respondent PIO concerned does not deserve any kind of leniency. Hence, in exercise of the powers conferred by Section 20(1) of the RTI Act, 2005, **a penalty to the tune of Rs. 10,000/- (Rupees Ten thousand only)** is imposed upon the PIO O/o Police Station, Salem Tabri, Ludhiana to be deducted from his salary, which is to be deposited in the State Treasury under the relevant head.

The Drawing and Disbursing Officer O/o District Police Headquarter, Ludhiana is directed to deduct the amount of penalty of Rs. 10000/- from the salary of the PIO O/o Police Station, Salem Tabri, Ludhiana and deposited in the State Treasury in the following Head of Account and to report its compliance to the Commission: -

- 0070- Other Administrative Services
- 60 – Other Services
- 0800 – Other Receipts
- 86-Fee under the RTI Act, 2005

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APPEAL CASE NO. 54 OF 2021

The PIO is further directed to provide the remaining information i.e. action taken report otherwise section 20 (2) of the RTI Act, 2005 will be initiated against him. The case is adjourned to **18.05.2022 at 11:00 AM through CISCO WEBEX MEETING ID No. 158 188 4645**. Both the parties are directed to present their case accordingly. Copies of the order be sent to the parties.

**Chandigarh
02.05.2022**

**(Maninder Singh Patti)
State Information Commissioner**

Copy is intimation and further necessary Action: - (Regd. Post)

- 1) The Commissioner of Police,
Ludhiana.**
- 2) The Senior Superintendent of Police,
Ludhiana.**
- 3) The Public Information Officer, (By Name)
O/o Police Station,
Salem Tabri, Ludhiana.**
- 4) The Drawing & Disbursing Officer,
O/o District Police Headquarter,
Ludhiana.**

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APPEAL CASE NO. 154 OF 2022

Shri Jasbir Singh, (98882 96107)
Guru Nanak Nagar,
Village Bholapur Jhabewal,
Post Office Ramgarh, District Ludhiana - 141123

...Appellant

Versus

Public Information Officer,
O/o Sub Divisional Magistrate,
Pathankot.

First Appellate Authority
O/o Sub Divisional Magistrate,
Pathankot.

...Respondents

HEARD Through CISCO WEBEX – VC/TELEPHONE

PRESENT: None on behalf of the Appellant.
Major Parminder Singh, Superintendent Grade – 2 – cum – PIO
on behalf of the Respondents (98770 32295)

ORDER (FIRST HEARING):

The RTI application is dated 05.10.2021 vide which the Appellant has sought information from the PIO O/o Sub Divisional Magistrate, Pathankot in his RTI application as under: -

Pqh wkB ih w?A nkg ih s' j/m fby/ rZvhnK d/ ofi;No/PB BzpoK dh
w[ezwb ;{uBk b?D pko/ p/Bsh eodk jKL^
(J/) g{okDk (ph) BtK rZvh (;h) rZvh dh ehws fezBh brkJh rJh fi; d/
rZvh Bzpo Bzpo nXko s/ gqkEh gk;' N?e; GotkfJnk frnk, fe;
fe;w dh rZvh ;h, s;dhe;{dk ;{uBk fdZsh ikt/.

HR26BG7403	PB35AD8000
D1N8048	PB35AE6873
U16BT6052	PB35AE7153
U16BT2477	PB35AF4653
DL3CAY9066	PB35AD2021
DL9CM7346	PB35AF0140
DL2CAP0354	PB35AF0142
MH12CZ6428	PB35AF0140
DL4CAM1247	PB35AF1161
JK01S2776	PB35AF1161
DL9CJ5221	PB35AF2009
UP16AA5835	PB35AF2236
HR26AX3957	PB35AF2272
UP16C8202	PB35AF2284
GJ02BL7590	PB35AF2811
HP38D8747	PB35AF3034

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On not receiving information from the PIO or on filing First Appeal with the First Appellate Authority (hereinafter FAA) on 06.11.2021, the Appellant filed Second Appeal in the Commission on 30.12.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act) and as such Notice of hearing was issued to the parties for 02.05.2022.

The case is fixed for today. The Respondent states that requisite information has already been provided to the appellant vide letter no. R.T.I./183, dated 18.11.2021 and he has acknowledged the same.

The Appellant is absent. However he has sent a letter in the Commission mentioning therein that he has receipt of information and gives his consent to close the case.

In view of the above, no further action is required in this Appeal case, hence this case is **disposed of and closed**. Copies of the order be sent to the parties.

**Chandigarh
02.05.2022**

**(Maninder Singh Patti)
State Information Commissioner**

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APPEAL CASE NO. 160 OF 2022

Shri Ankit Sehgal, (98886 25152)
C/o Bombay Studio,
Near Main Post Office Chowk,
Pathankot – 145001

...Appellant

Versus

Public Information Officer,
O/o Superintending Engineer (North),
Electrical Circle, PWD (B & R), Punjab
Room No. 361, 3rd Floor, Block – E, Education Bhawan,
Phase – 8, S.A.S. Nagar (Mohali).

First Appellate Authority

O/o Chief Engineer,
Electrical PWD (B & R), Punjab,
Chandigarh.

...Respondents

HEARD Through CISCO WEBEX – VC/TELEPHONE

PRESENT: Shri Ankit Sehgal, Appellant.
None on behalf of the Respondents.

ORDER (FIRST HEARING):

The RTI application is dated 20.08.2021 vide which the Appellant has sought information from the PIO O/o Superintending Engineer (North), Electrical Circle, PWD (B & R), Punjab, Room No. 361, 3rd Floor, Block – E, Education Bhawan, Phase – 8, S.A.S. Nagar (Mohali) in his RTI application as under: -

Subject matter of information	<i>Please provide me following certified documents for enlistment No.</i>
Description of information required	<i>PRBDB/Class-1/0467 of year 2020 Victor Electrical Co. Mohali</i>
Point No. 1	<i>Copy of Solvency Certificates</i>
Point No. 2	<i>Allotment letters and completion certificates attached by agency with its application</i>
Point No. 3	<i>From 26 as for private works executed</i>
Point No. 4	<i>Copy of Enlistment Certificates</i>
Point No. 5	<i>Turnover Certificates</i>
Point No. 6	<i>Labour Licnese under BOCW Act</i>
Point No. 7	<i>Degree/Diploma of technical staff and their declarations</i>

On not receiving information from the PIO even on filing First Appeal with the First Appellate Authority (hereinafter FAA) on 01.12.2021, the Appellant had been filed Second Appeal in the Commission on 06.01.2022 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act) and as such Notice of hearing was issued to the parties for 02.05.2022.

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APPEAL CASE NO. 160 OF 2022

The case has been heard today. The Appellant states that a reply has been received from the PIO mentioning therein that a letter has been written to Victor Electrical Co., whether the information related to Company should be provided to the appellant or not. But till date no information has been provided to him by the Respondents.

The PIO is absent for today's hearing. However, he has sent a letter in the Commission vide diary no. 7298, dated 07.04.2022 mentioning as under: - T[go's ftP/ jtkb/ nXhB gZso d/ ;pzX ftZu nkg ih B{z ;{fus ehsk iKdk j? fe ;qh nzfes ;fjrb g[Zso Bhhw ;fjrb, H^6\$26, B/V/ vkeykBk, w/B pIko, gmkBe'N^145001 ^ tZb' noih Form "A" See Rule 3 (1) fwshL 20.08.2021 okjh ;{uBk nkoHNhHnkJh n?eN 2005 nXhB wzrh rJh ;h. fJ; ;pzXh fJ; dcso d/ gZso BzL 1587 fwshL 14H09H2021 okjhA Victor Electrical Co., Govt. Electrical & Civil Contractor & Suppliers, # 1190, Sector – 77, SAS Nagar (Mohali) Punjab - 160055 B{z fbfnk frnk ;h fe fJ; dcso B{z fJj dZ;D dh y/ub ehsh ikt/ fe eh nkg Bkb ;pzXs fBZih ;{uBk gqkoEh B{z w[jZfJnk eotk fdZsh ikt/ iK Bjh< fJ; ;pzX ftZu Victor Electrical Co. tZb'A T[BKQ d/ gZso fwsh 24H09H2021 okjh fbfnk frnk j? fe T[j nkgDh gq;Bb ;{uBk BjhA d/Dk ukj[zdk j?. gqkoEh tZb'A e'Jh m'; ekoB BjhA dZf;nk frnk j?. gqkoEh tZb'A wrh rJh ;{uBk Eov gkoNh Bkb ;pzXs j?. fJ; bJh gqkoEh B{z wkB:'r ;[gohwe'oN ih d/ j[ewK nB[;ko ;{uBk d/Dh BjhA pDdh j? ih.

In view of the aforementioned, I relied upon the reply filed by the PIO in the Commission and sufficient reply has been sent to the appellant. The Bench observes that no further action is required in this Appeal case, hence **disposed of and closed**. Copies of the order be sent to the parties.

Chandigarh
02.05.2022

(Maninder Singh Patti)
State Information Commissioner

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APPEAL CASE NO. 296 OF 2022

Shri D.C. Gupta, IDAS (Retd.)
R/o # 778, Urban Estate,
Phase – 1, Patiala -147002

...Appellant

Versus

Public Information Officer,
O/o Chief Engineer,
PWD (B & R), Patiala.

First Appellate Authority
O/o Chief Engineer,
PWD (B & R), Patiala.

...Respondents

HEARD Through CISCO WEBEX – VC/TELEPHONE

PRESENT: Shri D.C. Gupta, Appellant.
Shri Amrinder Singh, Jr. Engineer on behalf of the Respondents (78887 60891)

ORDER (FIRST HEARING):

The RTI application is dated 28.09.2021 vide which the Appellant has sought information from the PIO O/o Chief Engineer, PWD (B & R), Patiala in his RTI application as under: -

1. *Copy of rules/regulations for allotment of Govt. accommodation to accredited journalists.*
2. *Names of the accredited journalists to whom Govt. accommodation has been provided in Patiala City inter-alia provide allotment letters.*
3. *Criterion adopted for allotment of Govt. accommodation to accredited journalists.*

On not receiving information from the PIO or on filing First Appeal with the First Appellate Authority (hereinafter FAA) on 01.12.2021, the Appellant filed Second Appeal in the Commission on 06.01.2022 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act) and as such Notice of hearing was issued to the parties for 02.05.2022.

The case is fixed for today. The Respondent states that requisite information has already been provided to the appellant vide letter no. 1184, dated 30.03.2022 and he has acknowledged the same.

The Appellant states that he has received the information and gives his consent to close the case. He further expressed his displeasure that information has been given to him after the delay of six months.

In view of the above, no further action is required in this Appeal case, hence this case is **disposed of and closed**. However, he is warned to be careful in future while dealing with the RTI applications. Copies of the order be sent to the parties.

Chandigarh
02.05.2022

(Maninder Singh Patti)
State Information Commissioner