

PUNJAB STATE INFORMATION COMMISSION
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Sh.Manjeet Singh,
H No-1435, Street No-6, Block-A,
Guru Nanak Colony, Gill Road,
Ludhiana.

.....Appellant.

Versus

Public Information Officer,
O/o XEN, PSPCL Unit-1,
2443 Sub Division, Janta Nagar
Ludhiana-3.

First Appellate Authority,
O/o XEN, PSPCL, Unit-1-2443,
Sub Division-1, Janta Nagar,
Gill Road, Ludhiana-3.

...Respondent

Appeal Case No. 407 of 2019

PRESENT: None for the Appellant
None for the Respondent

ORDER:

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

The appellant through RTI application dated 24.08.2018 sought information regarding action taken report on the complaint dated 03.05.2018 for overreading and other information from the office of Xen, PSPCL Unit-1, Ludhiana-3. The appellant was not provided with the information after which the appellant filed the first appeal before the First Appellate Authority on 21.09.2018 which took no decision on the appeal.

The case has already been heard on 07.05.2019, 03.07.2019, 13.08.2019, 29.11.2019, 27.01.2020, 03.06.2020, 22.07.2020 & 27.01.2021.

Since the PIO did not supply the information, the PIO was issued a show-cause notice on **29.11.2019 and directed to file a 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, Sh.Jasvir Singh, AEE Commercial Janta Nagar Div(spl) appeared and informed that the information has been provided to the appellant vide letter dated 27.12.2019. The PIO was absent nor had sent any reply to the show cause, rather tried to take the Commission into confidence on the ground that the information has been provided. The PIO was given one last opportunity to file a reply to the show cause on an affidavit.

On the next date of hearing on 03.06.2020, the appellant vide email informed that the PIO has not provided the information. The respondent was absent nor had sent any reply to the show-cause notice. The PIO was given one last opportunity to provide the information to the appellant and appear personally on the next date of hearing along with a reply to the show-cause notice on an affidavit.

Appeal Case No. 407 of 2019

On the date of the last hearing on **22.07.2020**, both the parties were absent. The case was adjourned.

On the date of last hearing on **27.01.2021**, Sh.Nitesh Kumar, SDO present on behalf of the PIO informed that the information has been sent to the appellant vide letter dated 27.12.2019. The appellant is absent nor has communicated whether the information provided is correct.

The PIO is absent nor has sent any appropriate reply to the show-cause notice. There has been a delay of more than one year and four months in providing the information as the RTI application was filed on 24.08.2018 whereas the information as per the affidavit has been provided on 27.12.2019.

Since the responsibility to ensure the timely transmission of the information to the appellant lies on the PIO, The PIO-cum-Additional SE(Operational), PSPCL, Janta Nagar Division(Spl)-Ludhiana a penalty of **Rs.10,000/-** was imposed upon the the PIO-cum-Additional SE(Operational), PSPCL, Janta Nagar Division(Spl)-Ludhiana and directed to submit proof of having deposited the same in the Govt Treasury.

Since the appellant had to suffer undue inconvenience in getting the information, the PIO 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.

Hearing dated 02.08.2021:

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

As per record, there is no communication whether the PIO has deposited the amount of penalty and paid the compensation to the appellant.

The PIO is given one last opportunity to comply with the order of the Commission and submit proof of having deposited the amount of penalty in the Govt treasury and paid the compensation amount to the appellant.

To come up for further hearing on **24.08.2021 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Ludhiana.

Chandigarh
Dated: 02.08.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to Additional S.E (Op),
Janta Nagar Div(Spl),
PSPCL,Ludhiana.



Sh.Ajmer Singh,
Village MangliNichi,
P.O Ramgarh, Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o XEN, Water Supply & Sanitation,
Division No-3, Ludhiana.

First Appellate Authority,
O/o SE, Water Supply and Sanitation
Circle Ludhiana.

...Respondent

Appeal Case No. 603 of 2020

PRESENT: None for the Appellant
 Sh.Simranjit Singh, JE for the Respondent

ORDER: Facts of the case-

That the appellant through RTI application dated 20.09.2019 has sought information regarding expenditure made and cheques issued from Govt account for waterworks and other schemes from 1.12.2018 to 31.08.2019 and other information concerning the office of XEN, Water Supply & Sanitation, Division No-3, Ludhiana. The appellant was not provided with the information after which the appellant filed the first appeal before the First Appellate Authority on 15.11.2019 which took no decision on the appeal.

That the case came up for hearing first on 17.08.2020. The appellant claimed that the PIO has not provided the information. The respondent was absent. Having gone through the record, the Commission observed that there has been an enormous delay of more than ten months in attending to the RTI application, the PIO-XEN, Water Supply & Sanitation, Division No-3, Ludhiana was issued a **show-cause notice under Section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time and directed to file reply on an affidavit.**

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

That on the date of the last hearing on **27.01.2020, The PIO** was again absent. The Commission received a letter from the PIO on 03.12.2020 stating that the information has already been provided to the appellant on 17.08.2020 and the appellant is satisfied with the information. The PIO had also sent an acknowledgement of the appellant having received the information.

The Commission also received a reply to the show-cause notice from the PIO which was taken on the file of the Commission.

Appeal Case No. 603 of 2020

In the reply, the PIO mentioned that the department comes under the essential services as per Govt of India guidelines and the Ludhiana District being densely populated, has been affected by the Covid-19 Pandemic as well as there is no regular Superintendent deployed in the office, due to which the information has been delayed.

Having gone through the reply, the Commission observed that the PIO had taken the plea of the Covid-19 pandemic for the delay in providing the information. However, as per record, the RTI application was filed on 20.09.2019 whereas the Covid-19 lockdown came into effect in the last week of March 2020, and as per provisions of section 7 of the RTI Act, the information was to be provided within 30 days.

Since the responsibility to ensure the timely transmission of the information to the appellant lies on the PIO, the PIO -XEN, Water Supply & Sanitation, Division No-3, Ludhiana was held guilty for not providing the information on time as prescribed under section 7, which is within 30 days of the receipt of the request.

The PIO was directed to submit a list of all PIOs from the date of filing RTI application, date of issue of show cause notice till providing the information.

That the case has come up for **hearing today** through video conferencing at DAC Ludhiana. The PIO is absent. Sh. Simarjot Singh appeared on behalf of the PIO and informed that Sh. Rohit Kumar was the PIO at the time of filing of RTI application, issuing of the show cause notice and till providing of the information.

Since the complete responsibility to ensure the timely transmission of correct information to the appellant lies on the PIO, XEN, Water Supply & Sanitation, Division No-3, Ludhiana, the PIO XEN Rohit Kumar is held guilty for not providing the information on time as prescribed under section 7, which is within 30 days of the receipt of the request. The information which has been provided is after a gap of 11 almost months, and hence a maximum penalty of **Rs.25,000/- (Twenty-five thousand rupees)** is imposed on Sh. Rohit Kumar, PIO-cum- XEN, Water Supply & Sanitation, Division No-3, Ludhiana which will be deposited in the Govt. Treasury. The PIO is directed to duly inform the Commission about the compliance of the orders by producing a copy of the challan as evidence of depositing the penalty in the Govt Treasury.

To come up for further hearing on **10.11.2021 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Ludhiana.

Chandigarh
Dated: 02.08.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh Parmod Kumar, S/o Sh Achoor Singh,
R/o PAM, C-9, Phase-5, Focal Point,
Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o GLADA,
Ludhiana.

First Appellate Authority,
O/o GLADA,
Ludhiana.

...Respondent

Appeal Case No. 4166 of 2019

PRESENT: Sh.Parmod Kumar as the Appellant at Chandigarh
None for the Respondent

ORDER:

The case was first heard on 26.02.2020. The respondent present pleaded that the information has been supplied to the appellant vide letter dated 19.02.2020 and a copy of the same submitted to the Commission. The appellant had received the information. The appellant however, was not satisfied with the reply regarding point 4(b) and stated that the decision of the court has not been provided. The PIO was directed to resolve the matter regarding point-4(b) within 10 days and send a compliance report to the Commission.

The case came up for further hearing on 02.06.2020 through video conference facility available in the office of Ludhiana.

The respondent pleaded that as discussed at the last hearing, the appellant has not sent the decision of the court on Special Leave Petition. The appellant informed that he had sent the same to GLADA via post on 05.03.2020 and a copy of the same was submitted to the Commission. A copy of the decision of the court on SLP submitted by the appellant was sent to the PIO and the PIO was directed to provide the information on point-4(b) within 15 days.

On the date of last hearing on **21.07.2020**, the appellant claimed that the PIO has not provided the information on point-4(b). The respondent present pleaded that since the earlier PIO has retired and he has since joined, the information sought on point-4(b) is not clear.

The appellant had asked the information that on what basis, the registration of plot No.C-23 was done after the SLP was rejected by the court. The PIO was directed to provide the information within 15 days.

On the date of last hearing on **27.01.2021**, the respondent was absent. The Commission received a copy of letter on 20.08.2020 vide which the PIO informed that the information is being provided to the appellant.

The appellant claimed that the PIO has not provided the information on point-4(c). The PIO was directed to provide information on point-4(c) and if the information is not available, to provide an affidavit that there is no further information on the basis of which the registration has been done.

Hearing dated 02.08.2021:

The case has come up for hearing today through video conferencing at DAC Ludhiana. As per the appellant, the PIO has not supplied the information despite the order of the Commission.

The PIO is absent without any legitimate reasons for the absence nor has complied the order of the Commission. The Commission has taken a serious view of this and hereby directs the PIO to **show cause why penalty be not imposed on him under Section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time.** He/she should file an affidavit in this regard. If there are other persons responsible for the delay in providing the information, the PIO is directed to inform such persons of the show cause and direct them to appear before the Commission along with the written replies.

The case is adjourned. To come up for compliance on **10.11.2021 at 11.00 AM** through a video conference facility available in the office of Deputy Commissioner, Ludhiana.

Chandigarh
Dated: 02.08.2021

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh. Darshan Ram,
House No.25, Ward No.11,
New Defense Colony,
Zirakpur.

... Appellant

Versus

Public Information Officer,
O/o Chief Medical Officer,
Mohali.

First Appellate Authority,
O/o Chief Medical Officer,
Mohali.

...Respondent

Appeal Case No. 3344 of 2020

PRESENT: Sh.Darshan Ram as the appellant
None for the Respondent

ORDER:

The appellant through the RTI application dated 03.07.2021 has sought information under Life and Liberty regarding action taken on his email and application dated 08.06.2021 to the Chief Medical Officer, Mohali. The appellant was not provided with the information after which the appellant filed the first appeal before the First Appellate Authority on 19.07.2021 which took no decision on the appeal.

The case has come up for hearing today through video conferencing at DAC Mohali. As per the appellant, the PIO has not provided the information.

The respondent is absent.

The PIO is directed to provide whatever action has been taken on the above-mentioned email and application (dated 08.06.2021) of the applicant and provide the information to the appellant within 48 hours with a copy to the commission.

To come up for compliance on **16.08.2021 at 11.00 AM** through a video conference facility available in the office of Deputy Commissioner, Mohali.

Chandigarh
Dated: 02.08.2021

Sd/-
(Khushwant Singh)
State Information Commissioner