

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden

Sector:16, Chandigarh

Contact No.0172-2864116, Fax No.0172-2864125

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Sh. Bhinder Singh,
S/o Sh. Basant Singh,
VPO: Kupp Kala, Tehsil:Malerkotla,
Distt:Sangrur.

-----Appellant.

Vs.

Public Information Officer

o/o District Controller,
Food Civil Supplies and Consumer
Affairs, Ludhiana.

First Appellate Authority

o/o Director,
Food Civil Supplies and Consumer Affairs,
Punjab, Chandigarh.

...Respondents

Appeal Case No. 2789 of 2017

PRESENT: Sh. Mohammad Khalil on behalf of the appellant.
Sh. Gurinder Singh, DFSO on behalf of the respondent.

ORDER:

This order may be read with reference to the previous order dated
20.11.2018.

2. The representative of the appellant states that complete information
has not been provided to him by the respondent.

3. The respondent states that he has brought the information of the third
party, as the third party has stated that she has no objection to give her personal
information to the appellant. Copy of the same is handed over to the representative of
the appellate today in the Commission.

4. After going through the information, the representative of the appellant
states that he is satisfied with the information and has given in writing his satisfaction.

5. In view of the above, no further cause of action is left in the instant
Appeal Case, which is hereby, **disposed of and closed**. Copies of the order be sent
to the parties.

Chandigarh
03.01.2019

Sd/-
(Prof. Viney Kapoor Mehra)
State Information Commissioner

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Sh. Surinder Kumar,
S/o Sh. Diwan Singh,
R/o Village Anadana, Tehsil: Moonak,
Sangrur.

Complainant

Versus

Public Information Officer,
O/o Block Development and Panchayat Officer,
Andana at Moonak through Tehsildar Moonak,
Distt: Sangrur.

Public Information Officer,
o/o District Development and Panchayat Officer,
Sangrur.

...Respondent

Complaint Case No. 97 of 2018

PRESENT: None for the parties.

ORDER

This order may be read with reference to the previous order dated 20.11.2018.

2. The complainant is absent for today's hearing.
3. Neither the PIO is present for today's hearing nor has filed any reply in response to the order showing cause, which shows that he has no regard to the orders of the Commission.
4. Despite of the repeated directions of the Commission, the PIO o/o BDPO, Andana at Moonak has not attended the hearings in the Commission personally. Therefore, show cause notice and bailable warrant were issued to the PIO for not complying the orders of the Commission.
5. During the last hearing, the BDPO, Moonak presented personally, after the hearing was over and stated that the complete information will be supplied to the complainant but at today's hearing, she is again absent without any intimation.
6. The perusal of the file and the conduct of the respondent have proved that he has not performed his duty as mandated by the RTI regime, which shows that he has no regard for the orders issued by the Commission and respect for the

Contd...p-2

law which has been passed for ensuring transparency & accountability. Disregard of the law of the land is intolerable and he is not only delaying the information to the appellant but is making mockery of it which needs to be condemned. Such kind of behavior of a Government employee needs to be condemned and such employees need to be taught a good lesson so that rest of the employees have a right kind of message to wake up and perform their duties under the RTI Act for ensuring complete transparency and due accountability in the governance affairs of the public authorities.

7. It transpires that he has provided information after the lapse of more than one year. There has been unnecessary delay in conveying the correct state of affairs to the complainant in regard to his request for information. His explanation for delay has been unsatisfactory given by the respondent. Rather, his failure to even respond to the show cause direction by the Commission reinforces the fact that he has been without any reasonable cause, guilty of remissness in the discharge of his duties. He, therefore, deserves to be penalized.

8. In view of the facts stated above, the conduct of the official needs to be condemned and the ends of justice will be met by imposing penalty.

I, therefore, **impose necessary penalty of Rs. 10,000/- (Rupees Ten Thousand) from the date of the RTI application upon Smt. Paramjit Kaur, BDPO, Andana at Moonak** having failed to perform her mandated duty and to submit any reply to the show cause notice issued to her. The amount of penalty i.e. Rs. 10,000/- should be deducted from her salary and be deposited in the treasury under head "0070-Other Administrative Services-60-Other Services-800-Other Receipts-86-Fees under the Right to Information Act." **The DDPO, Sangrur shall ensure that this amount of penalty is deducted from the salary of the above said defaulting official and deposited in the Treasury under the relevant head and she is warned to be very careful in future while dealing with RTI applications/appeal cases, any instructions/directions given by the Commission.**

9. The matter to come up for further hearing now on **13.02.2019 at 11.30AM**. Copies of the order be sent to the parties. Sd/-

Chandigarh
03.01.2019

(Prof. Viney Kapoor Mehra)
State Information Commissioner

Through (Regd. Post)

CC: District Development and Panchayat Officer, Sangrur (By Name)

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Sh. Keshav Chander,
S/o Sh. Roshan Lal,
R/o 33/B, Rishi Nagar,
Ludhiana.

...Appellant

Versus

Public Information Officer,
O/o State Drug Controller,
Punjab, Chandigarh.

First Appellate Authority
o/o State Drug Controller,
Punjab, Chandigarh.

...Respondent

APPEAL CASE NO. 3625 OF 2018

PRESENT: Sh. Narotam Ghai, Advocate on behalf of the appellant.
Sh. Rajwinder Singh, FDA and Sh. Rashpal, Suptd. on behalf of the respondent.

ORDER

The RTI application is dated 13.07.2018 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 12.09.2018 and second appeal was filed in the Commission on 21.08.2018 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice was issued to the parties for hearing for 03.01.2019 in the Commission.

3. The representative of the appellant states that till today, complete and correct information has not been supplied to the appellant by the respondent.

4. The respondent files reply to the Notice of the Commission mentioning therein that the information which was available in their official record has been supplied to the appellant vide letter dated 25.09.2018.

5. The respondent is directed either to provide the information to the appellant, which has been sought by him in his RTI application or to file an affidavit that the information which was available in the record stands supplied and also mentioned the reason for the delay in supplying the information to the appellant, on the next date of hearing, failing which action under Section 20(1) of the RTI Act, 2005 will be initiated.

Contd..p-2

6. The matter to come up for further hearing now on **13.02.2019** at **11.30AM**. Copies of the order be sent to the parties.

Chandigarh
03.01.2019

Sd/-
(Prof. Viney Kapoor Mehra)
State Information Commissioner

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Sh. Lal Chand Virhe,
S/o Sh. Chaman Lal Virhe,
R/o Village Garhi Sheru,
Rahon Road, P.O: Mattewara,
Via Basti Jodhewal, Tehsil & Distt:Ludhiana.

...Appellant

Versus

Public Information Officer,
O/o District Registrar (Birth and Death),
o/o Civil Surgeon, Ludhiana..

First Appellate Authority
o/o Deputy Director,
o/o Civil Surgeon, Civil Hospital,
Ludhiana.

...Respondent

APPEAL CASE NO. 3612 OF 2018

PRESENT: Sh. Lal Chand Virhe, the appellant.
Sh. Bharat Bhushan Sharma, S.A and Dr. Jasbir Singh, PIO the
respondent.

ORDER

The RTI application is dated 04.04.2018 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 24.05.2018 and second appeal was filed in the Commission on 25.10.2018 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice was issued to the parties for hearing for 03.01.2019 in the Commission.

3. The appellant states that he has inspected the record, but the information has not been supplied to him by the respondent.

4. The respondent files reply to the Notice of the Commission mentioning therein that the record has already been inspected by the appellant by two times but he has not asked for any document.

5. The appellant is advised to pin point the documents in writing to the respondent within one week with a copy to the Commission. The respondent is directed to provide the same to the appellant, before the next date of hearing, failing which action under Section 20(1) of the RTI Act, 2005 will be initiated.

6. The matter to come up for further hearing now on **12.02.2019 at 11.30AM**. Copies of the order be sent to the parties.

Chandigarh
03.01.2019

Sd/-
(Prof. Viney Kapoor Mehra)
State Information Commissioner

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Sh. Lal Chand Virhe,
S/o Sh. Chaman Lal Virhe,
R/o Village Garhi Sheru,
Rahon Road, P.O: Matthewara,
Via Basti Jodhewal, Tehsil & Distt:Ludhiana.

...Appellant

Versus

Public Information Officer,
O/o District Registrar (Birth and Death),
o/o Civil Surgeon, Jalandhar.

First Appellate Authority
o/o Deputy Director,
o/o Civil Surgeon, Civil Hospital,
Jalandhar.

...Respondent

APPEAL CASE NO. 3610 OF 2018

PRESENT: Sh. Lal Chand Virhe, the appellant.
Dr. Shamsheer Singh Mann (ACS), PIO the respondent.

ORDER

The RTI application is dated 08.08.2018 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 11.09.2018 and second appeal was filed in the Commission on 25.10.2018 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice was issued to the parties for hearing for 03.01.2019 in the Commission.

3. The appellant states that till today, no information has been supplied to him by the respondent.

4. The respondent files reply to the Notice of the Commission mentioning therein that the information cannot be supplied to the appellant being their party and third party has refused to provide the information to anybody else.

5. The appellant is advised to justify what public interest is involved in the information asked, for before the next date of hearing and respondent is directed to give the notice to the third party for personal appearance in the Commission, on the next date of hearing.

Contd...p-2

6. The matter to come up for further hearing now on **12.02.2019** at **11.30AM**. Copies of the order be sent to the parties.

Sd/-

Chandigarh
03.01.2019

(Prof. Viney Kapoor Mehra)
State Information Commissioner

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Sh. Lal Chand Virhe,
S/o Sh. Chaman Lal Virhe,
R/o Village Garhi Sheru,
Rahon Road, P.O: Mattewara,
Via Basti Jodhewal, Tehsil & Distt:Ludhiana.

...Appellant

Versus

Public Information Officer,
O/o District Registrar (Birth and Death),
o/o Civil Surgeon, Jalandhar.

First Appellate Authority
o/o Deputy Director,
o/o Civil Surgeon, Civil Hospital,
Jalandhar.

...Respondent

APPEAL CASE NO. 3611 OF 2018

PRESENT: Sh. Lal Chand Virhe, the appellant.
Dr. Shamsher Singh Mann (ACS), PIO the respondent.

ORDER

The RTI application is dated 13.08.2018 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 11.09.2018 and second appeal was filed in the Commission on 25.10.2018 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice was issued to the parties for hearing for 03.01.2019 in the Commission.

3. The appellant states that till today, no information has been supplied to him by the respondent.

4. The respondent states that the RTI application of the appellant is not specific that is why the information is still pending.

5. After hearing both the parties and perusing the record as available on file, it is ascertained that the information sought by the appellant is not specific. I agree with the contention of the respondent that the information cannot be provided to the appellant as the RTI application is vague. The Commission advises to the appellant to seek the specific information from the respondent department filling RTI application afresh. The instant Appeal Case is devoid of merit which is hereby **dismissed**. Copies of the order be sent to the parties.

Chandigarh
03.01.2019

Sd/-
(Prof. Viney Kapoor Mehra)
State Information Commissioner

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Ms.Aditi Garg,
D/o Sh. Arun Garg,
H.No.40-41, Central Town,
Village Dad,P.O: Lalton Kalan,
Distt:Ludhiana.

...Complainant

Versus

Public Information Officer,
O/o Environmental Engineer,
Punjab Pollution Control Board,
Regional Office-4, M.C. Complex,
Gill Road, Ludhiana.

...Respondent

Complaint Case No. 999 of 2018

PRESENT: (i) None is present on behalf of the complainant.
(ii) Er. Vicky Bansal, AEE on behalf of the respondent.

ORDER

This order may be read with reference to the previous order dated 20.11.2018.

2. A letter has been received from the complainant in the Commission by email mentioning therein that the sought information regarding noise pollution was concerned to life/liberty of the applicant as observed by Hon'ble Supreme Court in its judgment dated 18.07.2008. She further mentioned that the information letter is bearing date 03.08.2018 but the same was received by ordinary post on 16.08.2018, after the delay of about 30 days.

3. The respondent files reply to the Notice of the Commission mentioning as under:-

“that the RTI application of the complainant dated 07.07.2018 was received in this office on 12.07.2018 and first reply has been to her on 03.08.2018. He has further mentioned that in RTI application, the complainant has desired the copy of the noise monitoring report which was already received by the father of the complainant Sh. Aurn Garg on 30.07.2018. Moreover, the information is regarding noise pollution caused during construction of house which is a routine activity and the matter is not regarding the life and liberty of a person.”

Contd...p-2

4. The attention of the complainant is drawn to the decision of the Hon'ble Supreme Court of India dated 12.12.2011 in Civil Appeal Nos.10787 – 10788 of 2011 titled Chief Information Commissioner and Another Vs. State of Manipur and Another (arising out of SLP © No.32768-32769/2010) wherein it has been held that *while entertaining a complaint under Section 18 of the RTI Act, 2005, the Commissioners have no jurisdiction to pass an order providing for an access to the information. As per the above decision of the Hon'ble Supreme Court of India, the Information Commission has a power to receive and enquire into the complaint of any person who has been refused access to any information requested under this Act (section 18 (1)(b)) or has been given incomplete, misleading or false information under the Act (Section 18(1)(e) or has not been given a response to a request for information or access to information within time limits specified under the Act (Section 18(1)(c)).*

5. In the complaint cases, it is to be seen whether the intention of the respondent-PIO is clear or not. In this case, the complainant has filed RTI on 07.07.2018, which has been received in the office of the respondent on 12.07.2018 and reply has been sent to her vide letter dated 03.08.2018, which has been received by the complainant on 16.08.2018. Since, the delay is approximately four days, therefore, the PIO is warned to be careful in future while dealing with the RTI applications.

6. In view of the above, no further cause of action is left in the instant Complaint Case, which is hereby, **disposed of and closed**. Copies of the order be sent to the parties.

**Chandigarh
03.01.2019**

Sd/-
(Prof. Viney Kapoor Mehra)
State Information Commissioner

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Sh. Vikram Singh,
Officer Colony, Block C-18,
Street No.3,Sangrur.

...Appellant

Versus

Public Information Officer,
O/o Director,
Health & Family welfare, Punjab,
Chandigarh.

First Appellate Authority,
o/o Director,
Health & Family welfare, Punjab,
Chandigarh.

...Respondent

APPEAL CASE NO. 3591 OF 2018

PRESENT: (i) None is present on behalf of the appellant.
(ii) Sh. Gulshan Verma, Sr. Assistant, Sh. Satpal, Suptd. And Sh. Rajinder Kumar, Sr. Assistant is present on behalf of the respondent.

ORDER

The RTI application is dated 23.07.2018 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 30.08.2018 and second appeal was filed in the Commission on 22.10.2018 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice was issued to the parties for hearing for 03.01.2019 in the Commission.

3. The appellant is absent for today's hearing.

4. The respondent states that the information has been sent to the appellant on 27.12.2018. Copy of the same is taken on record. He further states that he has joined in the month of November, 2018 that is why the delay has been occurred.

5. Looking at the lackadaisical and highly irresponsible attitude of the respondent, **the PIO o/o Director Health and Family welfare, Punjab** is directed to show cause as to why penalty @ 250/-per day be not imposed upon him under

Contd...p-2

Section 20 (1) of the RTI Act for not sending the information to the appellant within the statutorily period and the why the appellant should not be compensated for the harassment suffered by him in getting the information.

6. The respondent-PIO is directed to file written point-wise an affidavit in this regard, on the next date of hearing with a copy to the appellant.

7. He may also make use of the next date of hearing for his personal hearing as well under the principles of natural justice and explain his conduct and status of the complaint to enable the Commission to arrive at a reasonable/logical conclusion in the matter.

8. The appellant is advised to go through the information and point out the deficiency, if any, in the information provided to the respondent within ten days with a copy to the Commission and should personally appear, on the next date of hearing, failing which decision shall be taken on merit.

9. The matter to come up for further hearing on **12.02.2019 at 11.30 AM**.
Copies of the order be sent to the parties.

Sd/-

**Chandigarh
03.01.2019**

**(Prof. Viney Kapoor Mehra)
State Information Commissioner**

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Ms. Aarti Sharma,
H-5/341, Alfa Lane,
Batala Road, Amritsar.

...Complainant

Versus

Public Information Officer,
O/o District Controller,
Food Civil Supplies & Consumer Affairs,
Ram Tirath Road, Amritsar.

...Respondent

Complaint Case No. 277 of 2018

PRESENT: (i) None is present on behalf of the Complainant.
(ii) Smt. Rajneesh Kumari, DFSC, the respondent.

ORDER

This order may be read with reference to the previous order dated
20.11.2018.

2. The complainant is absent for today's hearing.
3. Smt. Ranjeesh Kumari, DFSC is appearing in person and files an affidavit in response to the show cause notice, which is as under:-

*" That since record as sought by the application in application under RTI Act is not traceable in the Circle Office, Amritsar, same has been informed by the Circle Office, Amritsar on 03.07.2018 to this Hon'ble Commission and this office has no malafide intention not to provide the requisite information to the applicant.

That so far as the facts pleaded that I am not appearing before this Hon'ble Commission on previous date i.e. 20.11.2018, I could not appear before this Hon'ble Commission due to the reason that on the said date I had gone to Ludhiana for department enquiry and I have made email before this Hon'ble Commission on 19.11.2018. My absence on the said date was neither intentional nor willful but due to the reasons as stated above."*
4. She further states that the information has been delayed due to the non availability of the record and Smt. Harjinder Kaur, Jr. Assistant is the responsible for

Contd...p-2

the loss of the record and a letter has already been written to the Head office to look into the matter and take disciplinary action against the erring official, who is responsible for the loss of record.

5. The perusal of the file and the conduct of the respondent have proved that Smt. Harjinder Kaur, Jr. Assistant has not performed her duty as mandated by the RTI regime, which shows that she has no regard for the orders issued by the Commission and respect for the law which has been passed for ensuring transparency & accountability. Disregard of the law of the land is intolerable and she is not only delaying the information to the complainant but is making mockery of it which needs to be condemned. Such kind of behavior of a Government employee needs to be condemned and such employees need to be taught a good lesson so that rest of the employees have a right kind of message to wake up and perform their duties under the RTI Act for ensuring complete transparency and due accountability in the governance affairs of the public authorities.

6. It transpires that she has provided information after the lapse of more than one year. There has been unnecessary delay in conveying the correct state of affairs to the complainant in regard to his request for information.

7. In view of the facts stated above, the conduct of the official needs to be condemned and the ends of justice will be met by imposing penalty.

I, therefore, **impose necessary penalty of Rs. 5,000/- (Rupees Five Thousand) from the date of the RTI application upon Smt. Harjinder Kaur, Jr. Assistant, o/o District Controller, Food Civil Supplies & Consumer Affairs, Amritsar** having failed to perform her mandated duty. The amount of penalty i.e. Rs. 5,000/- should be deducted from her salary and be deposited in the treasury under head "0070-Other Administrative Services-60-Other Services-800-Other Receipts-86-Fees under the Right to Information Act." **The DFSC, Amritsar shall ensure that this amount of penalty is deducted from the salary of the above said defaulting official and deposited in the Treasury under the relevant head and she is warned to be very careful in future while dealing with RTI applications/appeal cases, any instructions/directions given by the Commission.**

9. The matter to come up for further hearing now on **13.02.2019** at **11.30AM**. Copies of the order be sent to the parties.

**Chandigarh
03.01.2019**

Sd/-
(Prof. Viney Kapoor Mehra)
State Information Commissioner

Through (Regd. Post)

CC: Smt. Ranjeesh Kumari, DFSC, Amritsar

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Sh.Gagandeep Singh janjua,
Village: Tura,P.O: Kumbh,
Tehsil:Amloh, Distt: Fatehgarh Sahib.

...Appellant

Versus

Public Information Officer,
O/o Court of Hon'ble Chief Judicial Magistrate,
SBS Nagar.

First Appellate Authority
o/o Court of Hon'ble Chief Judicial Magistrate,
SBS Nagar.

...Respondent

APPEAL CASE NO. 3589 OF 2018

PRESENT: (I) None is present on behalf of the appellant.
(ii) Sh. Gurdarshan Singh, on behalf of the respondent.

ORDER:

The RTI application is dated 11.06.2018 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 19.07.2018 and second appeal was filed in the Commission on 22.10.2018 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice was issued to the parties for hearing for 03.01.2019 in the Commission.

3. The appellant is absent for today's hearing.

4. The respondent files reply today in the Commission and states that the information cannot be supplied to the appellant as per Section 8 (1)(b) of the RTI Act, as there is prohibition for supplying any information which relates to judicial functions and the appellant was conveyed regarding the same vide letter No. 337 dated 03.07.2018. He further states that the appellant is also not the party of these cases, which are pending in the Court.

5. The appellant is advised to justify what public interest is involved in seeking this information and should personally appear on the next date of hearing, failing which decision shall be taken on merit.

Contd...p-2

6. The matter to come up for further hearing now on **13.02.2019 at 11.30AM**. Copies of the order be sent to the parties.

Sd/-

**Chandigarh
03.01.2019**

**(Prof. Viney Kapoor Mehra)
State Information Commissioner**

