

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
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Sh P.C Sahotra,
H NO-160, Sector-21,
Panchkula.

... Complainant

Versus

Public Information Officer,
O/o Department of
Social Security and Development of Women and Children,
Pb, Sector-34-A, Chandigarh.

...Respondent

Complaint Case No. 347 of 2021

PRESENT: None for the Complainant
None for the Respondent

ORDER:

The complainant through RTI application dated 17.02.2020 has sought information regarding a Copy of report No.1549 dated 02.09.2019 in respect of the case of Savita Kumari V/s Rajat Sahotra under DV Act 2005 submitted by CDPO-II Amritsar to the court of Smt.Ambika Sharma JMIC District Court, Amritsar and other information as enumerated in the RTI application from the office of Department of Social Security and Development of Women and Children, Pb Chandigarh. The complainant was not satisfied with the reply of the PIO dated 28.02.2021 after which the complainant filed a complaint in the Commission on 18.03.2021.

The case was last heard on 08.09.2021 through video conferencing at DAC Mohali. The complainant claimed that the PIO has not provided the information.

The respondent was absent without any legitimate reasons for the absence.

Having gone through the reply of the office of Child Development Project Officer, Amritsar, in which the officer has simply denied the information by invoking section 8(1) of the RTI Act was found vague since in the reply, there was no speaking order that why the officer has chosen to use this exemption.

Given the above, there was prima-facie evidence of PIO denying the information intentionally.

The PIO was issued a **show-cause notice under Section 20 of the RTI Act 2005 for not supplying the information deliberately and holding the information mala-fidely and directed to file a reply on an affidavit.**

Hearing dated 03.01.2022:

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

The Commission has received a copy of a letter dated 11.10.2021 of the Joint Director-cum-PIO O/o Director Social Security and Development of Women & Children vide which the Joint Director has directed the PIO-Child Development Project Officer, Amritsar Urban-2 to appear before the Commission on 03.01.2022 alongwith all documents.

Complaint Case No. 347 of 2021

Earlier order stands. The PIO is directed to comply with the earlier order of the Commission which still stands and appear personally before the Commission on the next date of hearing along with the reply to the show-cause notice on an affidavit. PIO to also inform who was the PIO at the time of filing of RTI and on the date of issue of show cause notice.

The case is adjourned. To come up for further hearing on **19.04.2022** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Mohali.

Chandigarh
Dated: 03.01.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to PIO-cum-Child Development Project Officer,
Amritsar Urban-2, Amritsar.



Sh Gurlabh Singh, S/o Sh Bharpur Singh,
R/o Village Ahil, Distt Faridkot.

... Complainant

Versus

Public Information Officer,
O/o Director,
Health and Family Welfare,
Sector-34-A, Chandigarh.

Respondent

Complaint Case No. 382 of 2021

PRESENT: Sh.Gurlabh Singh as the Appellant
None for the Respondent

ORDER:

The complainant through the RTI application dated 30.11.2020 has sought information regarding not considering the child of a freedom fighter on the post of Medical Lab Technician Grade-2 under 1% Freedom Fighter Quota against 98 posts advertised on 13.07.2020 and other information as enumerated in the RTI application from the office of Director Health and Family Welfare, Pb Chandigarh. The complainant was not provided with the information after which the complainant filed a complaint in the Commission on 30.03.2021.

The case last came up for hearing on 08.09.2021 through video conferencing at DAC Faridkot/Mohali. Due to a technical fault in the VC, the hearing could not take place.

The Commission received a copy of a letter dated 06.08.2021 from the PIO through email which was taken on the file of the Commission. Vide this letter, the PIO had sent a reply to the complainant that the information being in question form, cannot be provided under the RTI Act.

Hearing dated 03.01.2022:

The case has come up for hearing today through video conferencing at DAC Faridkot. As per the complainant, the PIO has not supplied the information.

As per the letter dated 05.10.2021 received from the Superintendent (RTI Branch), the RTI application of 30.11.2020 was transferred to the Superintendent (Establishment-7) Branch on 28.01.2021.

As per record, the reply was sent by the PIO-cum-Suptd.(E-7) to the appellant on 06.08.2021. From these facts there is prima facie evidence that there has been a delay of more than seven months in attending to the RTI application, which is a violation of Section 7 (1) of the RTI Act. The Commission has taken a serious view of this and hereby directs the PIO to **show cause why penalty be not imposed under section 20 of the RTI Act 2005 for not transferring the RTI application in a proper way and secondly 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 person(s) of the show cause and direct them to appear before the Commission along with the written replies.

Compliant Case No. 382 of 2021

The case is adjourned. To come up for further hearing on **19.04.2022** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Faridkot. The PIO to appear at Chandigarh.

Chandigarh
Dated: 03.01.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to PIO-cum-Suptd.(E-7)
O/o Director, Health & Family Welfare,
Pb, Sector 34-A, Chandigarh.



Sh Lajpat Rai S/o Sh. Harbans Lal,
R/o Romana Street, Jaito,
Tehsil Jaito, Distt Faridkot.

... Appellant

Versus

Public Information Officer,
O/o SHO, Police Station,
Jaito, Tehsil & Distt Faridkot.

First Appellate Authority,
O/o SSP,
Faridkot.

...Respondent

Appeal Case No. 1619 of 2021

PRESENT: Sh.Lajpat Rai as the Appellant
Ms.Sukhchain Kaur, SI for the Respondent

ORDER:

The appellant through the RTI application dated 04.02.2021 has sought information on nine points regarding the letter for installation of CCTV –a copy of dak register and other information as enumerated in the RTI application from the office of SHO Police Station Jaito. The appellant was not provided with the information after which the appellant filed the first appeal before the First Appellate Authority on 16.02.2021 which took no decision on the appeal.

The case last came up for hearing on 08.09.2021 through video conferencing at DAC Faridkot. Due to a technical fault in the VC, the hearing could not take place. The case was adjourned.

Hearing dated 03.01.2022:

The case has come up for hearing today through video conferencing at DAC Faridkot. The Commission observes that the copy of the RTI application with the commission is not legible.

The appellant is directed to send a typed legible copy of the RTI application to the Commission with a copy to the PIO.

The PIO is directed to look at the original RTI application and provide whatever information is available in the record.

The case is adjourned. To come up for further hearing on **19.04.2022** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Faridkot.

Chandigarh
Dated:03.01.2022

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh Lajpat Rai S/o Sh. Harbans Lal,
R/o Romana Street, Jaito,
Tehsil Jaito, Distt Faridkot.

... Appellant

Versus

Public Information Officer,
O/o Tehsildar,
Jaito, Distt Faridkot.

First Appellate Authority,
O/o SDM,
Jaito, Distt Faridkot.

...Respondent

Appeal Case No. 1763 of 2021

PRESENT: Sh.Lajpat Rai as the Appellant
Sh.Kanwaldeep Singh, Naib Tehsildar Jaitu for the Respondent

ORDER:

The appellant through RTI application dated 11.03.2020 has sought information regarding document as registered vasika done by Kartar Kaur in favour of Tarsem Chand – a copy of record given to DSP vigilance in enquiry No.29/18 – certificate issued by MC Jaito connected with legal property on behalf of vasika registered and other information as enumerated in the RTI application from the office of Tehsildar Jaito. The appellant was not provided with the information after which the appellant filed the first appeal before the First Appellate Authority on 20.01.2021 which took no decision on the appeal.

The case last came up for hearing on 08.09.2021 through video conferencing at DAC Faridkot. Due to a technical fault in the VC, the hearing could not take place. The case was adjourned.

Hearing dated 03.01.2022:

The case has come up for hearing today through video conferencing at DAC Faridkot. As per respondent, the information has already been provided to the appellant vide letter dated 03.11.2020.

As per the appellant, the information is incomplete.

The PIO is directed to relook at the RTI application and provide whatever information is available as per the record. If the information is not available, give it in writing on an affidavit.

The case is adjourned. To come up for further hearing on **19.04.2022** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Faridkot.

Chandigarh
Dated: 03.01.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh.Lajpat Rai, S/o Sh Harbans Lal,
H no-B-3/287, Romana Street,
Jaito, Distt Faridkot.

... Appellant

Versus

Public Information Officer,
O/o Addl, Chief Secretary,
Local Govt, Sector-35-A,
Chandigarh

First Appellate Authority,
O/o Addl, Chief Secretary,
Local Govt, Sector-35-A,
Chandigarh

...Respondent

Appeal Case No. 1706 of 2020

PRESENT: Sh.Lajpat Rai as the Appellant
Sh.Ashish Kumar, Suptd.-cum-PIO for the Respondent

ORDER:

The appellant through RTI application dated 20.01.2020 has sought information regarding action taken on the application filed for cancellation of probation period of Ramesh Kumar and Prem Chand – action taken on the complaint dated 13.11.2019 for missing record by Ajay Singh Clerk - and other information as enumerated in the RTI application concerning the office of Addl.Chief Secretary Local Govt. Punjab Chandigarh. The appellant was not provided with the information after which the appellant filed the first appeal before the first appellate authority on 19.02.2020 which took no decision on the appeal.

The case first came up for hearing on 02.11.2020 through video conferencing at DAC Faridkot. The respondent was absent. The case was adjourned.

On the date of the hearing on **04.01.2021**, both the parties were absent.

Having gone through the file, the Commission observed that there has been an enormous delay in attending to the RTI application and the PIO was absent on 2nd consecutive hearing, the PIO was issued a **show-cause notice under Section 20 of the RTI Act 2005 and directed to file reply on an affidavit.**

The PIO was again directed to provide the information within 10 days of the receipt of this order.

On the date of the last hearing on **16.08.2021**, the respondent present pleaded that the information relating to point-9 concerning them was denied u/s 8(H) since the matter was under consideration with the Govt. and the reply was sent to the appellant on 13.03.2020. Thereafter, on the recommendation of DC Faridkot, show cause notice was issued to all the employees found responsible and a reply was sent to the appellant vide letter dated 30.07.2021. Further, since the remaining information related to the office of Director, Local Govt., the RTI application was transferred to them u/s 6(3) on 06.03.2020. The PIO-Director Local Govt has also sent information to the appellant vide letters dated 27.02.2020 and 19.03.2020.

The appellant was not satisfied with the information provided and wanted information regarding the action taken by the Principal Secretary Local Govt. on his applications as mentioned in the RTI application.

Appeal Case No. 1706 of 2020

The PIO was directed to relook at the RTI application and provide whatever action has been taken by the Principal Secretary on the applications of the appellant along with all noting/correspondence. The PIO was also directed to file a reply to the show-cause notice.

Hearing dated 03.01.2022:

The case has come up for hearing today through video conferencing at DAC Faridkot/ Mohali. As per the respondent, the information has already been provided to the appellant.

As per the respondent, the PIO has not yet provided the copy of his complaints alongwith action taken by Principal Secretary Local Govt. thereon as mentioned in the RTI application.

Hearing both the parties, the PIO is directed to provide information as per earlier order, which still stands and as discussed during the hearing. The PIO is also directed to file a reply to the show-cause notice.

To come up for further hearing on **19.04.2022 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Faridkot. The PIO to appear at Chandigarh.

Chandigarh
Dated 03.01.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh.Lajpat Rai, S/o Sh Harbans Lal,
H no-B-3/287, Romana Street,
Jaito, Distt Faridkot.

... Appellant

Versus

Public Information Officer,
O/o Chief Vigilance Officer,
Local Govt. Deptt, Sector-35-A,
Chandigarh.

First Appellate Authority,
O/o Director,
Local Govt, Sector-35-A,
Chandigarh

...Respondent

Appeal Case No. 1703 of 2020

PRESENT: Sh.Lajpat Rai as the Appellant
Sh.Rajeev Saggar PIO-CVO for the Respondent

ORDER:

The appellant through RTI application dated 20.01.2020 has sought information regarding a copy of letters dated 28.10.2017 & 1.09.2017 sent to DDLG Ferozepur by CVO with an enquiry report on the action taken – a copy of the letter dated 03.06.2019 forwarded by DC Faridkot for action against employees – details of staff working in the office of CVO – complaints received in NC from 01.01.2006 and other information as enumerated in the RTI application concerning the office of Chief Vigilance Officer, Local Govt. Department Punjab Chandigarh. The appellant was not provided with the information after which the appellant filed the first appeal before the first appellate authority on 20.02.2020 which took no decision on the appeal.

The case first came up for hearing on 02.11.2020 through video conferencing at DAC Faridkot. The respondent was absent. The case was adjourned.

On the date of the next hearing on **04.01.2021**, both the parties were absent.

Having gone through the file, the Commission observed that there has been an enormous delay in attending to the RTI application and the PIO was absent on 2nd consecutive hearing, the PIO was issued a **show-cause notice under Section 20 of the RTI Act 2005 and directed to file reply on an affidavit**. The PIO was again directed to provide the information within 10 days of the receipt of this order.

On the date of the last hearing on **16.08.2021**, the respondent was present at Chandigarh and informed that the appellant has inspected the record and the information as specified by him has been sent to the appellant on his WhatsApp. The respondent also brought a set of information that was taken on the file of the Commission.

Appeal Case No. 1703 of 2020

A copy of the information was sent to the appellant along with the order with the direction to point out the discrepancies to the PIO with a copy to the Commission and the PIO was directed to remove the same. The PIO was also directed to file a reply to the show-cause notice otherwise it will be construed that the PIO has nothing to say on the matter and a decision will be taken accordingly.

Hearing dated 03.01.2022:

The case has come up for hearing today through video conferencing at DAC Faridkot. The respondent present pleaded that in compliance with the order of the Commission, the information has already been provided to the appellant but the appellant has not communicated any discrepancies.

At the last hearing, the respondent had brought a set of information and a copy of the same was sent to the appellant with the direction to point out the discrepancies to the PIO with a copy to the Commission and the PIO was directed to remove the same. The appellant has not communicated any discrepancies.

Now the appellant claims that the information is incomplete.

Having gone through the RTI application and hearing both the parties, the following is concluded:

- Point-1 - Respondent has submitted information which is being sent to the appellant.
- Point-2,3 & 4 - Information provided
- Point-5 - As per the respondent, the information relates to the Admn wing. The PIO is directed to transfer the RTI application under section 6(3) to the Admn Wing and the PIO-Admn Wing is directed to provide information on point-5.
- Point-6 - As per the respondent, the information is voluminous and the appellant be asked to specify the complaint or inspect the record and get the relevant information.

The appellant is directed to specify the complaint or inspect the record and get the relevant information.

The PIO is also directed to file a reply to the show-cause notice.

The case is adjourned. To come up for further hearing on **19.04.2022 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Faridkot. The PIO to appear at Chandigarh.

**Chandigarh
Dated 03.01.2022**

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

**CC to PIO-Admn Wing,
Local Govt. Pb Chandigarh**

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Sh.Lajpat Rai, S/o Sh Harbans Lal,
H no-B-3/287, Romana Street,
Jaito, Distt. Faridkot.

... Appellant

Versus

Public Information Officer,
O/o Director,
Local Govt. Deptt, Sector-35-A,
Chandigarh.

First Appellate Authority,
O/o Director,
Local Govt., Sector-35-A,
Chandigarh

...Respondent

Appeal Case No. 1702 of 2020

PRESENT: Sh.Lajpat Rai as the Appellant
None for the Respondent

ORDER:

The appellant through RTI application dated 23.01.2020 has sought information on 15 points regarding action taken on the application filed for cancellation of probation period of Ramesh Kumar and Prem Chand – action taken on the complaint dated 13.11.2019 for misplacing the record by Ajay Singh Clerk - and other information as enumerated in the RTI application concerning the office of Director Local Govt. Punjab Chandigarh. The appellant was not provided with the information after which the appellant filed the first appeal before the first appellate authority on 20.02.2020 which took no decision on the appeal.

The case first came up for hearing on 02.11.2020 through video conferencing at DAC Faridkot. The respondent was absent. The case was adjourned.

On the date of the next hearing on **04.01.2021**, both the parties were absent.

Having gone through the file, the Commission observed that there has been an enormous delay in attending to the RTI application and the PIO was absent on 2nd consecutive hearing, the PIO was issued a **show-cause notice under Section 20 of the RTI Act 2005 and directed to file reply on an affidavit**. The PIO was again directed to provide the information within 10 days of the receipt of this order.

On the date of the last hearing on **16.08.2021**, as per the appellant, the PIO had supplied information on 09.04.2020 which was incomplete.

The respondent was absent on 3rd consecutive hearing nor has sent a reply to the show-cause notice as well as not provided the complete information.

The PIO was given one last opportunity to provide complete information and file a reply to the show-cause notice otherwise it will be construed that the PIO has nothing to say on the matter and a decision will be taken accordingly.

Hearing dated 03.01.2022:

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

The respondent is absent nor is represented. The Commission has received a reply from the PIO on 23.09.2021 which has been taken on the file of the Commission.

The case is adjourned. To come up for further hearing on **19.04.2022 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Faridkot. The PIO to appear at Chandigarh.

**Chandigarh
Dated 03.01.2022**

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

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Ms. Mandeep Kaur, D/o Sh Baljinder Singh,
R/o village Meerpur, P.O Kheri Naudh Singh,
Tehsil Khamanoo, Distt Fatehgarh Sahib.

Appellant

Versus

Public Information Officer,
O/o Director of Education,
SGPC, Bahadurgarh, Patiala.

First Appellate Authority,
O/o Director of Education,
SGPC, Bahadurgarh, Patiala.

...Respondent

Appeal Case No. 1893 of 2021

PRESENT: None for the Appellant
None for the Respondent

ORDER:

The appellant through an RTI application dated 14.12.2020 has sought information regarding recruitment of ad hoc Assistant Professor(History) in Mata Gujri College Fatehgarh Sahib by SGPC Committee Bahadurgarh – detail of marks obtained by candidate Pritpal Singh along with his educational qualification – merit list of eligible candidates – criteria for recruitment and other information as enumerated in the RTI application from the office of SGPC Bahadurgarh. The appellant was not provided with the information provided after which the appellant filed the first appeal before the first appellate authority on 15.01.2021 which took no decision on the appeal.

The case last came up for hearing today through video conferencing at DAC Fatehgarh Sahib/Patiala. As per the appellant, the information was not provided by the PIO.

The respondent was absent nor was represented. There has been an enormous delay of more than nine months in attending to the RTI application. The PIO was issued a **show cause notice under Section 20 of the RTI Act 2005 and directed to file reply on an affidavit.**

The PIO was again directed to provide information to the appellant within 15 days of the receipt of the order.

Hearing dated 03.01.2022:

The case has come up for hearing today through video conferencing at DAC Fatehgarh Sahib/Patiala. Both the parties are absent.

The appellant vide email has informed that she has received the information and his appeal case be closed.

The PIO has however, not filed reply to the show cause notice. The PIO is given one last opportunity to file reply to the show cause notice otherwise it will be presumed that the PIO has nothing to say on the matter and the Commission will take decision ex-party.

Appeal Case No. 1893 of 2021

The PIO is also directed to inform who was the PIO at the time of filing of RTI application and on the date of issue of show cause notice.

The case is adjourned. To come up for further hearing on **19.04.2022** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Patiala.

Chandigarh
Dated: 03.01.2022

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh Sandeep Joshi,
273/6, Ward No-9, Taraori,
Distt. Karnal, Haryana.

Appellant

Versus

Public Information Officer,
O/o SMO, Civil Hospital,
Mandi Gobindgarh,
Distt Fatehgarh Sahib.

...Respondent

Complaint No. 524 of 2021

PRESENT: None for the Complainant
None for the Respondent

ORDER:

The complainant through an RTI application dated 10.04.2021 has sought information regarding the detail of admission/treatment of Vaibhav Joshi s/o Sandeep Joshi along with names of doctors who attended the patient – detail of the post of Dr Wali Mohd. Action if any to be taken if he is practising at home even being in Govt. service - and other information as enumerated in the RTI application from the office of SMO Civil Hospital, Mandi Gobindgarh. The complainant was not provided with the information provided after which the complainant filed a complaint in the commission on 29.04.2021. The complainant had filed a complaint under Life & Liberty, however, the Hon'ble CIC has ordered to consider the case under the general category.

The case last came up for hearing on 04.10.2021 through video conferencing at DAC Fatehgarh Sahib. Both the parties were absent.

Having gone through the record, the Commission observed that the RTI application was filed on 10.04.2021 and there was nothing on file that establishes that the PIO has addressed the RTI application. There has been an enormous delay of six months in attending to the RTI application. The PIO was issued a **show cause notice under Section 20 of the RTI Act 2005 and directed to file reply on an affidavit.**

The PIO was again directed to provide information to the complainant within 15 days of the receipt of the order.

Hearing dated 03.01.2022:

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

The PIO has also not filed reply to the show cause notice. The PIO is given one last opportunity to file reply to the show cause notice otherwise it will be presumed that the PIO has nothing to say in the matter and the Commission will take decision ex-parte. The PIO is also directed to inform who was the PIO at the time of filing of RTI and on the date of issue of show cause notice.

The case is adjourned. To come up for further hearing on **19.04.2022** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Patiala. The appellant may appear at Chandigarh.

Chandigarh
Dated: 03.01.2022

Sd/-
(Khushwant Singh)
State Information Commissioner