

**PUNJAB STATE INFORMATION COMMISSION
RED CROSS BUILDING, NEAR ROSE GARDEN,
SECTOR 16, CHANDIGARH.**

Ph: 0172-2864116, Email: - psic26@punjabmail.gov.in

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(Helpline No.0172-2864116(From 10.00 AM to 04.00PM on working days))



Shri Kuldip Kumar Kaura
Retd. Lecturer,
5-C, Phase-I, Urban Estate,
Focal Point, Ludhiana.

...Appellant

Versus

Public Information Officer,
O/o Zonal Commissioner,
Municipal Corporation,
Zone-C, Ludhiana.

First Appellate Authority-cum-
O/o Zonal Commissioner,
Municipal Corporation,
Zone-C, Ludhiana.

...Respondents

Appeal Case No.503 of 2020

PRESENT : (i) Appellant- absent
(ii) Dr. Jasbir Kaur, Medical Officer of Health, M.C. Ludhiana.
(iii) Shri Anil Bakshi, APIO, M.C. Ludhiana.

ORDER:

Heard through Video Conferencing

1. This order may be read with reference to the order dated 17.11.2020 passed by this Bench on the previous hearing.
2. The case has been heard today through V.C. in the office of D.C. Ludhiana. The appellant has not come present. He, however, rang up to say that since he has received the requisite information, he will not attend the hearing.
3. Dr. Jasbir Kaur, Medical Officer of Health, PIO, M.C. Ludhiana comes present to attend the hearing and with her the APIO Shri Anil Bakshi also attends the hearing. He makes reference to letter dated 01.02.2021 sent by e.mail stating that the information stands supplied to the appellant to his satisfaction. He also states that the show cause notice was issued to the PIO when Shri Tejinderpal Singh Panchhi, Secretary was holding the charge of Health Branch and was the PIO whereas the current PIO Dr. Jasbir Kaur was given the charge of Health Branch on 27.08.2020.

Cont..P-2

He makes an attempt to justify that when the show cause notice was issued, Dr. Jasbir Kaur was not the PIO and that the responsibility for deposit of penalty lies on Shri Tejinderpal Singh Panchhi who was the PIO at the time of issuance of show cause notice. He requests for issuing appropriate directions with regard to deposit of penalty amount. He also makes a request to waive off the penalty.

4. The Bench, on perusal of the case file, observes that RTI application is dated 11.10.2019 and First Appeal is dated 06.12.2019 and second appeal was filed in the Commission on 28.01.2020 and this is seventh hearing in the instant appeal case. In spite of that the directions of the Bench, are still to be complied with. On most of the hearings i.e. 04.03.2020, 18.03.2020, 07.09.2020 and 17.11.2020, nobody appeared on behalf of the PIO. As such, the Bench is of the considered opinion that in the circumstances explained, the penalty imposed is totally justified and it cannot be waived off.

5. The PIO is directed to deposit the amount of penalty and also produce evidence for having deposited the penalty before the Bench on the next date of hearing.

6. With the aforesaid directions, the matter is adjourned. **To come up for hearing on 28.04.2021 at 11.30 AM before the Bench in Commission's Office at Chandigarh.** Copies of the order be sent to the concerned parties.

**Chandigarh
03.02.2021**

**Sd/-
((Lt Gen Ajae Kumar Sharma,(Retd))
State Information Commissioner, Punjab**

Copy to(By Regd.Post):

**Shri Pardeep Sabharwal,
Commissioner,
Municipal Corporation,
Ludhiana,**

**-with reference to the order
dated 17.11.2020 passed by the Bench.**

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Shri Jasbir Singh
Village Bolapur Jhabewal,
PO Ramgarh,
District Ludhiana.

...Appellant

Versus

Public Information Officer,
O/o State Transport Commissioner,
Punjab, Sector-17, Chandigarh.

Public Information Officer
O/o Secretary, R.T.A.
Hoshiarpur.

First Appellate Authority-cum-
O/o State Transport Commissioner,
Punjab, Sector-17, Chandigarh.

...Respondents

Appeal Case No.1846 of 2020

PRESENT : (i) **Shri Jasbir Singh, Appellant.**
(ii) **Shri Guralp Singh, APIO, O/o S.T.C. Punjab, Chandigarh, in person**
(iii) **None on behalf of the PIO O/o Secretary, R.T.A. Hoshiarpur.**

ORDER:

(Heard through Video Conferencing)

1. This order may be read with reference to the order dated 17.11.2020 passed by this Bench on the previous hearing.
2. The case has been heard today through V.C. in the office of D.C. Ludhiana. The appellant Shri Jasbir Singh attends the hearing through V.C. and states that no information has been received by him.
3. Shri Guralp Singh, APIO O/o S.T.C. Punjab, Chandigarh comes present to attend the hearing in person before the Bench and states that the PIO O/o Secretary, R.T.A. Hoshiarpur impleaded as Respondent No.2 has to supply the information who has also been directed by their office to supply the requisite information to the appellant..
4. Neither the PIO O/o Secretary, R.T.A. Hoshiarpur has come present to attend the hearing nor he has deputed any of his representatives to attend the hearing on behalf of PIO. Moreover, no information has been supplied to the appellant so far.
5. The Bench, on perusal of the case file, observes that the PIO O/o R.T.A. Hoshiarpur was impleaded vide order dated 22.09.2020. Thereafter, he has failed to attend the hearing on 17.11.2020 as also today also. The Bench further observes that a letter dated 05.01.2021 (wrongly

Cont..P-2



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AC No.1846/2020

written as 05.01.2020) has been received from the PIO whereby he has made an attempt to shift his responsibility on junior employees of his office. It is made clear that to supply information is the sole responsibility of the PIO and issuing such letters, cannot absolve the PIO of his responsibility. This indifferent and lackadaisical attitude of the PIO is viewed adversely.

6. The facts of the case prove beyond any doubt that the PIO/Respondent does not deserve any leniency. Hence, in exercise of the powers conferred by Section 20(1) of the RTI Act, a penalty to the tune of Rs.5,000/- (Rupees Five Thousand only) is imposed upon PIO, O/o Secretary, Regional Transport Authority, Hoshiarpur, to be deducted from his salary, which is to be deposited in the State Treasury under the relevant head. The Drawing & Disbursing Officer concerned is directed to deduct the amount of penalty of Rs.5,000/- from the salary of the PIO and deposit the same in State Treasury in the following Head of Account and to report its compliance to the Commission before the next hearing:-

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

7. The PIO is also directed to supply complete information to the appellant before the next date of hearing as also to come in person to attend the hearing before the Bench at Chandigarh on the next date of hearing. He is also directed to file reply to the show cause notice as also to produce the evidence on account of deposit of the amount of penalty imposed.

8. With the aforesaid directions, the matter is adjourned. **To come up for hearing on 28.04.2021 at 11.30 AM before the Bench in Commission's Office at Chandigarh.** Copies of the order be sent to the concerned parties.

**Chandigarh
03.02.2021**

**Sd/-
(Lt Gen Ajae Kumar Sharma,(Retd))
State Information Commissioner, Punjab**

**Copy to (By Regd.Post)
Public Information Officer
O/o Secretary,
Regional Transport Authority
Hoshiarpur (By Name)**

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Shri Jasbir Singh
Guru Nanak Nagar,
Village Bolapur Jhabewal,
PO Ramgarh,
District Ludhiana.

...Appellant

Versus

Public Information Officer,
O/o State Transport Commissioner,
Punjab, Sector-17, Chandigarh.

First Appellate Authority-cum-
O/o State Transport Commissioner,
Punjab, Sector-17, Chandigarh.

...Respondents

Appeal Case No.3433 of 2020

PRESENT : (i) Shri Jasbir Singh, Appellant.
(ii) Shri Gurpal Singh, APIO, O/o S.T.C. Punjab, Chandigarh, in person

ORDER:

(Heard through Video Conferencing)

1. The RTI application is dated 03.08.2020 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 04.09.2020 and the second appeal was filed in the Commission on 09.11.2020 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice of hearing has been issued to the parties by the Commission for 03.02.2021 through V.C. in D.C. Office, Ludhiana. Shri Jasbir Singh, appellant comes present to attend the hearing through V.C.
3. Shri Gurpal Singh, APIO O/o S.T.C. Punjab, Chandigarh comes present to attend the hearing in person before the Bench. He states that the appellant has been supplied information by e.mail on 02.02.2021.

Cont..P-2



-2-

AC No.3433/2020

4. On the asking of the Bench, the appellant states that he has received information on point no.2 whereas he has been denied information on the balance of the issues raised which mainly relate to Pardeep Singh Dhillon on the pretext of being third party and personal information serving no public activity of interest.

5. The Bench, on perusal of the RTI application and the reply of the PIO, observes that except for point No.3 wherein the details of complaints against Pardeep Singh Dhillon have been sought and are of public interest as corruption related issues may be exposed from such information. This information must be given before the next hearing. Rest of the points have been rightly addressed by the PIO.

6. In view of the observations made above, the PIO is directed to supply the requisite information to the appellant on Point No.3, before the next hearing.

7. With the aforesaid directions, the matter is adjourned. **To come up for hearing on 28.04.2021 at 11.30 AM before the Bench in Commission's Office at Chandigarh.** Copies of the order be sent to the concerned parties.

**Chandigarh
03.02.2021**

**Sd/-
((Lt Gen Ajae Kumar Sharma,(Retd))
State Information Commissioner, Punjab**

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Shri Rohit Sabharwal,
President, Kundan Bhawan,
126, Model Gram,
Ludhiana.

.....Appellant

Versus

Public Information Officer

O/o Estate Officer
Greater Ludhiana Area
Development Authority (GLADA),
Ludhiana.

First Appellate Authority

Chief Administrator,
Greater Ludhiana Area
Development Authority (GLADA),
Ludhiana..

....Respondents

AC No.3544 of 2020

Present: (i) **Ms. Sukhjinder Kaur, Advocate, on behalf of appellant**
(ii) **Shri Sunit Singla, Junior Assistant, GLADA, Ludhiana**
on behalf of the PIO.

ORDER:

(Heard through Video Conferencing)

1. The RTI application is dated 18.08.2020 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 24.09.2020 and the second appeal was filed in the Commission on 13.11.2020 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. The notice for the hearing was issued to the parties for 03.02.2021 through V.C. in D.C. Office, Ludhiana. As such, the appeal case has been heard today through V.C. in D.C. Office, Ludhiana.
3. Shri Sunit Singla, Junior Assistant, GLADA, Ludhiana attends the hearing on behalf of the PIO. He states that the information is not maintained in the format in which it has been sought by the appellant as such, it cannot be supplied.
4. Ms. Sukhjinder Kaur, comes present to attend the hearing through V.C. on behalf of the appellant. She clarifies that the appellant has asked for the figurative number of complaints only in which inquiry is still pending during a particular period.

Cont..P-2



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AC No.3544/2020

5. The Bench observes that the information asked for involves only the number of cases in which inquiry is still pending and it can be extracted from a data bank which exists and is maintained in all the offices related to cases & complaints and other similar issues. The Bench directs the PIO to supply the information to the appellant.

6. With the aforesaid direction, the matter is adjourned. **To come up for hearing on 28.04.2021 at 11.30 AM before the Bench in Commission's Office at Chandigarh.** Copies of the order be sent to the concerned parties.

**Chandigarh
03.02.2021**

**Sd/-
((Lt Gen Ajae Kumar Sharma,(Retd))
State Information Commissioner, Punjab**

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Shri Rohit Sabharwal,
President, Kundan Bhawan,
126, Model Gram,
Ludhiana.

.....Appellant

Versus

Public Information Officer

O/o Estate Officer
Greater Ludhiana Area
Development Authority (GLADA),
Ludhiana.

First Appellate Authority

Chief Administrator,
Greater Ludhiana Area
Development Authority (GLADA),
Ludhiana..

....Respondents

AC No.3545 of 2020

Present: (i) **Ms. Sukhjinder Kaur, Advocate, on behalf of appellant**
(ii) **None on behalf of the PIO.**

ORDER:

(Heard through Video Conferencing)

1. The RTI application is dated 12.08.2020 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 21.09.2020 and the second appeal was filed in the Commission on 13.11.2020 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. The notice for the hearing was issued to the parties for 03.02.2021 through V.C. in D.C. Office, Ludhiana. As such, the appeal case has been heard today through V.C. in D.C. Office, Ludhiana.
3. Ms. Sukhjinder Kaur, comes present to attend the hearing through V.C. on behalf of the appellant. She states that no information has been supplied to the appellant so far.
4. Neither the PIO has come present to attend the hearing through V.C. nor he has deputed any of his representatives to attend the hearing nor has sent any intimation in this regard.
5. On perusal of the case file, the Bench observes that RTI application is dated 12.08.2020, first appeal is dated 21.09.2020 and the second appeal has been filed on 13.11.2020.

Cont...P-2



-2-

AC No.3545/2020

In spite of a lapse of more than five months, the PIO has not supplied any information to the appellant and has also not bothered to attend the hearing through V.C. This indifferent attitude of the PIO is viewed adversely.

6. The PIO O/o Estate Officer, GLADA, Ludhiana is issued show cause notice to explain his absence and as to why action should not be taken against him and also as to why penalty should not be imposed in the instant case for non-supply of information to the appellant. He is also directed to file a written reply to the show cause notice as to why the appellant should not be compensated for the mental harassment suffered by him in getting the information.

7. In addition to the written reply, PIO is hereby given an opportunity u/s 20(1) proviso thereto for a personal hearing before the imposition of such a penalty, on the next date of hearing. He may take note that in case does not file the written reply and does not avail himself of the opportunity of personal hearing on the next date fixed, it will be presumed that he has nothing to say and the Commission shall proceed to take further proceeding against him ex-parte.

8. The PIO is further directed to ensure that complete information is supplied to the appellant before the next hearing.

9. With the aforesaid direction, the matter is adjourned. **To come up for hearing on 28.04.2021 at 11.30 AM before the Bench in Commission's Office at Chandigarh.** Copies of the order be sent to the concerned parties.

**Chandigarh
03.02.2021**

**Sd/-
(Lt Gen Ajae Kumar Sharma,(Retd))
State Information Commissioner, Punjab**

Copy to (By Regd.Post)

**Public Information Officer,
O/o Estate Officer,
Greater Ludhiana Area
Development Authority
Ludhiana.**

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Shri Rohit Sabharwal,
President, Kundan Bhawan,
126, Model Gram,
Ludhiana.

.....Appellant

Versus

Public Information Officer

O/o Estate Officer
Greater Ludhiana Area
Development Authority (GLADA),
Ludhiana.

First Appellate Authority

Chief Administrator,
Greater Ludhiana Area
Development Authority (GLADA),
Ludhiana..

....Respondents

AC No.3573 of 2020

Present: (i) **Ms. Sukhjinder Kaur, Advocate, on behalf of appellant**
(ii) **None on behalf of the PIO.**

ORDER:

(Heard through Video Conferencing)

1. The RTI application is dated 12.08.2020 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 21.09.2020 and the second appeal was filed in the Commission on 18.11.2020 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. The notice for the hearing was issued to the parties for 03.02.2021 through V.C. in D.C. Office, Ludhiana. As such, the appeal case has been heard today through V.C. in D.C. Office, Ludhiana.
3. Ms. Sukhjinder Kaur, comes present to attend the hearing through V.C. on behalf of the appellant. She states that no information has been supplied to the appellant so far.
4. Neither the PIO has come present to attend the hearing through V.C. nor he has deputed any of his representatives to attend the hearing nor has sent any intimation in this regard.
5. On perusal of the case file, the Bench observes that RTI application is dated 12.08.2020, first appeal is dated 21.09.2020 and the second appeal has been filed on 18.11.2020.

Cont...P-2



-2-

AC No.3573/2020

In spite of a lapse of more than five months, the PIO has not supplied any information to the appellant and has also not bothered to attend the hearing through V.C. This indifferent attitude of the PIO is viewed adversely.

6. The PIO O/o Estate Officer, GLADA, Ludhiana is issued show cause notice to explain his absence and as to why action should not be taken against him and also as to why penalty should not be imposed in the instant case for non-supply of information to the appellant. He is also directed to file a written reply to the show cause notice as to why the appellant should not be compensated for the mental harassment suffered by him in getting the information.

7. In addition to the written reply, PIO is hereby given an opportunity u/s 20(1) proviso thereto for a personal hearing before the imposition of such a penalty, on the next date of hearing. He may take note that in case does not file the written reply and does not avail himself of the opportunity of personal hearing on the next date fixed, it will be presumed that he has nothing to say and the Commission shall proceed to take further proceeding against him ex-parte.

8. The PIO is further directed to ensure that complete information is supplied to the appellant before the next hearing.

9. With the aforesaid directions, the matter is adjourned. **To come up for hearing on 28.04.2021 at 11.30 AM before the Bench in Commission's Office at Chandigarh.** The copies of the order be sent to the concerned parties.

**Chandigarh
03.02.2021**

**Sd/-
(Lt Gen Ajae Kumar Sharma,(Retd))
State Information Commissioner, Punjab**

Copy to (By Regd.Post)

**Public Information Officer,
O/o Estate Officer,
Greater Ludhiana Area
Development Authority
Ludhiana.**

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Shri Rohit Sabharwal,
President, Kundan Bhawan,
126, Model Gram,
Ludhiana.

.....Appellant

Versus

Public Information Officer

O/o Estate Officer
Greater Ludhiana Area
Development Authority (GLADA),
Ludhiana.

First Appellate Authority

Chief Administrator,
Greater Ludhiana Area
Development Authority (GLADA),
Ludhiana..

....Respondents

AC No.3574 of 2020

Present: (i) **Ms. Sukhjinder Kaur, Advocate, on behalf of appellant**
(ii) **Shri Sunit Singla, Junior Assistant, GLADA, Ludhiana**
on behalf of the PIO.

ORDER:

(Heard through Video Conferencing)

1. The RTI application is dated 18.08.2020 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 24.09.2020 and the second appeal was filed in the Commission on 18.11.2020 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. The notice for the hearing was issued to the parties for 03.02.2021 through V.C. in D.C. Office, Ludhiana. As such, the appeal case has been heard today through V.C. in D.C. Office, Ludhiana.
3. Shri Sunit Singla, Junior Assistant, GLADA, Ludhiana attends the hearing on behalf of the PIO. He states that the information is not maintained in the format in which it has been sought by the appellant as such, it cannot be supplied.
4. Ms. Sukhjinder Kaur, comes present to attend the hearing through V.C. on behalf of the appellant. She clarifies that the appellant has asked for the figurative number of complaints in which inquiry is still pending during a particular period.

Cont..P-2



-2-

AC No.3474/2020

5. The Bench observes that the information asked for involves only the number of cases in which inquiry is still pending and it can be extracted from a data bank which exists & is maintained in all offices related to cases & complaints and other similar issues. The Bench directs the PIO to supply the information to the appellant.

6. With the aforesaid direction, the matter is adjourned. **To come up for hearing on 28.04.2021 at 11.30 AM before the Bench in Commission's Office at Chandigarh.** Copies of the order be sent to the concerned parties.

**Chandigarh
03.02.2021**

**Sd/-
((Lt Gen Ajae Kumar Sharma,(Retd))
State Information Commissioner, Punjab**

**PUNJAB STATE INFORMATION COMMISSION
RED CROSS BUILDING, NEAR ROSE GARDEN,
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Shri Shiv Narayan Jangra,
(Press Reporter)
S/o Shri Ramji Dass,
Press Reporter, Raftar News Channel
Press Complex, Near Arna Barna Chowk,
Patiala.

...Appellant

Versus

Public Information Officer,
O/o Managing Director,
Pepsu Road Transport Corporation,
Patiala.

First Appellate Authority
O/o Managing Director,
Pepsu Road Transport Corporation,
Patiala.

...Respondents

Appeal Case No.4103 of 2019

PRESENT : (i) **Shri Shiv Narain Jangra, appellant in person before the Bench.**
(ii) **Shri Amanvir Singh Tiwana, Traffic Manager/PIO, P.R.T.C. Patiala through V.C.**

ORDER:

Heard through Video Conferencing

1. This order may be read with reference to the order dated 17.11.2020 passed by this Bench on the previous hearing.
2. The case has been heard today through V.C.in the office of D.C. Patiala. Shri Shiv Narain Jangra, appellant comes present to attend the hearing in persona before the Bench. He states that he is not satisfied with the partial information supplied to him and that certain information has deliberately not been given to him on the plea that a court case related to the information is pending and further states that affidavit filed by the PIO is also false.
3. Shri Amanvir Singh Tiwana, Traffic Manager/PIO, P.R.T.C., Patiala comes present through V.C. in DC Office, Patiala and states that he has sent written reply in the instant appeal to Bench vide letter dated 25.01.2021. He has made an attempt to narrate the entire sequence of events relating to the instant appeal case. The PIO states that the information was collated from different depots and compiled in a format designed with the consent of appellant who was called to office pursuant to directions of Hon'ble Commission and information in the format was supplied to the appellant and an affidavit was also filed. He further states that an arbitration case of M/s Graphisads Pvt. Ltd. relating to the information sought in the instant appeal case is pending with the Chairman,

Cont..P-2



-2-

AC No.4103/2020

PRTC in his capacity as the sole Arbitrator in which the appellant has also participated. The PIO also makes reference to the decision dated 18.09.2017 of Chief Information Commissioner in an appeal No.CIC/AT/A/2006/00586 to the effect that once it is established to a quasi-judicial proceedings, RTI Act cannot be invoked to access the information to the proceedings. The PIO states that in spite of that, their office supplied information to the appellant in compliance with the order of Commission. The PIO further brings to the notice of Bench that the appellant has filed four other appeals in the Commission seeking information similar in nature, out of which AC No.4102/2019 stands disposed off by this Bench and he has shown in the reply the comparative position in these appeal cases in the form of a chart. The PIO contends that in such a situation, the appellant is not entitled to seek information as held in the decision taken by the Chief Information Commissioner (CIC) in Appeal Case No.CICI/OK/A/2006/00268-272 dated 29.12.2006 in which case the appellant had filed five applications to the Railway Authorities asking for “all records” regarding various services and categories of staff of Railways and reproduced the decision as under;-

“The CIC observed that though the RTI Act allows citizens to seek any information other than the 10 categories exempted under Section 8, it does not mean that the public authorities are required to entertain all sort of frivolous applications. The CIC held that asking for “all records” regarding various services and categories of staff in the Railways only amount to making a mockery of the Act”.

4. During the course of deliberations with the appellant and the PIO, the appellant contends that arbitration proceeding do not come within the ambit of RTI Act. In view of the submissions made by the PIO in his reply, this contention of appellant does not hold good as the arbitration proceedings are to be construed as quasi-judicial in view of decision of appeal case mentioned above. The Bench directs the PIO to produce before the Bench all relevant records including appointment of Arbitrator in the above mentioned case and the record of other similar appeal cases so as to enable the Bench to take the instant matter to a logical end.

5. With the aforesaid directions, the matter is adjourned. **To come up for hearing on 28.04.2021 at 11.30 AM before the Bench in Commission’s Office at Chandigarh.** Copies of the order be sent to the concerned parties.

**Chandigarh
03.02.2020**

**Sd/-
(Lt Gen Ajae Kumar Sharma,(Retd))
State Information Commissioner, Punjab**