

PUNJAB, STATE INFORMATION COMMISSION
Sector-16, Madhya Marg, Near Rose Garden, Chandigarh

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Sh.Balvir Singh, S/o sh.Joginder Singh,
R/o Village Saide Ki (Khoo.Mohar Singh Wala),
P/O DulchiKe, Tehsil &Distt.Ferozepur.

... Complainant

Versus

Public Information Officer,
O/o DDPO,
Ferozepur.

First Appellate Authority,
O/o DDPO,
Ferozepur.

...Respondent

Complaint Case No. 552 of 2018

Present: **None for the Complainant**
 Sh.Kulwant Singh, Panchayat Sactetary O/o BDPO for the Respondent

ORDER:

The case was first heard on **20.08.2018**. The respondent was absent. The complainant pleaded that despite his first appeal and again a letter sent to the DC Ferozepur on 17.04.2018 as well as his personal visits to the office of BDPO twice, he has not been provided the information. The PIO was directed to provide the information to the complainant within 15 days and be present on the next date of hearing with valid explanation for not providing the information within the prescribed time under the RTI Act.

The case was again heard on **17.09.2018**. The appellant informed that he has not received the information. The PIO was absent. The PIO neither provided the information nor sent any explanation for delay in responding the RTI application. Due to non compliance of the orders of the Commission, the PIO was issued **show cause notice and the PIO** was directed to be present personally before the Commission alongwith written reply on an affidavit. The order is reproduced hereunder:

The case came up for hearing again on **05.11.2018**. The PIO was absent. The respondent present brought the information. The appellant was absent to point out the discrepancies, if any. The respondent was directed to send the information to the complainant through registered post and send compliance to the Commission.

The PIO did not file reply to the show cause notice issued on 17.09.2018. The PIO-BDPO was afforded one last opportunity to appear personally on the next date of hearing and reply to the show cause notice on an affidavit failing which the Commission will take action as per RTI Act.

The case was last heard on **11.12.2018**. The complainant informed that he has received the information on 09.11.2018 but the information is incomplete. The PIO was again absent and had not filed any reply to the show cause or any paper in his defense.

Keeping all facts in mind, the PIO, BDPO, Ferozepur 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, and for repeated and willful defiance of the Punjab State Information Commission's orders. A penalty of Rs.10,000/- was imposed upon the PIO, BDPO, Ferozepur under section 20 of the RTI Act, 2005 which was to be deposited in the Govt. Treasury.

Further, the PIO, BDPO, Ferozepur was directed to duly inform the Commission of the compliance of the orders by producing a copy of the challan justifying the deposition of the penalty in the Govt Treasury. The PIO was also directed to contact the complainant and sort out the discrepancies in providing the information as sought under the RTI Act.

The case was last heard on **13.02.2019**. The order is reproduced hereunder:

The complainant informed that he has not received the information. In the last hearing, since the PIO was absent and neither filed any reply to the show cause issued to the PIO on 17.09.2018 for non compliance of the orders of the Commission, a penalty of Rs.10000/- was imposed upon the PIO- BDPO, Ferozepur under section 20 of the RTI Act, 2005 which was to be deposited in the Govt. Treasury.

Sh.Paramjit Singh, PIO-BDPO, Ferozepur alongwith Sh.Kulwant Singh, Panchayat Secretary O/o BDPO appeared late and informed that the information has been provided to the complainant. The PIO further pleaded they will contact the complainant and sort out the discrepancies with the complainant if any. The respondent is directed to comply with the earlier order of the Commission which still stands and send a compliance report to the Commission."

Hearing dated 03.04.2019:

The respondent present has pleaded that the information has been provided to the appellant. The appellant has also acknowledged the receipt of the information and shown his satisfaction.

However since the PIO did not file any reply to the show cause notice issued to the PIO on 17.09.2018 for delay in providing the information and for not appearing before the Commission despite providing ample opportunities, a penalty of Rs.10000/- was imposed upon the PIO-BDPO Ferozepur under section 20 of the RTI Act which was to be deposited in the Govt. Treasury. The PIO was also directed to duly inform the Commission of the compliance of the order by producing a copy of the challan justifying the deposition of the penalty in the Govt. Treasury. The PIO is again absent and has not shown compliance on two dates.

Keeping the above facts in mind, it is clear that the PIO-BDPO is flouting the spirit of the RTI Act continuously. The PIO has not only shown utter disregard for the Commission's repeated orders to provide the information but has shown willful stubbornness in replying to the show cause and not appearing before the Commission despite various orders. The Commission is constrained to issue warrants against the erring PIO-BDPO Ferozepur under section 18(3) of the RTI Act.

The respondent present has informed that Sh.Paramjit Singh, PIO-cum-BDPO Ferozepur has been transferred to the Head Quarter, at Vikas Bhawan, Sector 62, Mohali.

Complaint Case No. 552 of 2018

To secure an erring PIOs presence before the Commission, the Information Commissioner is empowered to issue warrants Under Section 18(3) of the RTI Act. Aailable Warrant of Sh.Paramjit Singh, PIO-cum-BDPO, Ferozepur is hereby issued through Senior Superintendent of Police, SAS Nagar, Mohali for his presence before the Commission on 22.05.2019.

The PIO is also directed to appear personally on the next date of hearing and submit proof of having deposited the amount of penalty in the Govt Treasury.

To come up for hearing **on 22.05.2019 at 11.00AM.**

Chandigarh
Dated: 03.04.2019

(Khushwant Singh)
State Information Commissioner

CC to :1. The BDPO Ferozepur.
2. Director, Rural Development & Panchayat,
Vikas Bhawan, Sector 62, SAS Nagar, Mohali

**BAILABLE WARRANT OF PRODUCTION
BEFORE
SHRI KHUSHWANT SINGH
STATE INFORMATION COMMISSIONER, PUNJAB
AT CHANDIGARH**

In case: Balvir Singh V/s Public Information Officer, BDPO, Ferozepur

COMPLAINT CASE NO. 552 OF 2018

UNDER SECTION 18 OF THE RIGHT TO INFORMATION ACT, 2005

Next Date of Hearing : 22.05.2019

To

**The Senior Superintendent of Police,
SAS Nagar, Mohali.**

Whereas Public Information Officer, O/o BDPO Ferozepur has failed to appear before the State Information Commissioner, Punjab despite the issuance of notice/summon in the above mentioned appeal case. Therefore, you are hereby directed to serve this bailable warrant to Sh. Paramjit Singh, PIO O/o BDPO Ferozepur (Now transferred and posted at Head Quarter, Director, Rural Development and Panchayat, Vikas Bhawan, Sector 62, SAS Nagar, Mohali) to appear before the undersigned at Red Cross Building, Near Rose Garden, Sector 16, Chandigarh on 22.05.2019 at 11.00 AM.

**Chandigarh
Dated: 03.04.2019**

**(Khushwant Singh)
State Information Commissioner**

PUNJAB, STATE INFORMATION COMMISSION
Sector-16, Madhya Marg, Near Rose Garden, Chandigarh

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Sh.Tarsem Singh, S/o Sh.Swaran Singh,
R/o Village Saide Ki (Khoo.Mohar Singh Wala),
P/O DulchiKe, Tehsil &Distt.Ferozepur.

... Complainant

Versus

Public Information Officer,
O/o DDPO,
Ferozepur.

First Appellate Authority,
O/o DDPO,
Ferozepur.

...Respondent

Complaint Case No. 553 of 2018

Present: None for the Complainant
Sh.Kulwant Singh, Panchayat Sactetary O/o BDPO for the Respondent

ORDER:

The case was first heard on 20.08.2018. The respondent was absent. The complainant pleaded that despite his first appeal and again a letter sent to the DC Ferozepur on 17.04.2018 as well as his personal visits to the office of BDPO twice, he has not been provided the information. The PIO was directed to provide the information to the complainant within 15 days and be present on the next date of hearing with valid explanation for not providing the information within the prescribed time under the RTI Act.

The case was again heard on **17.09.2018**. The appellant informed that he has not received the information. The PIO was absent. The PIO neither provided the information nor sent any explanation for delay in responding the RTI application. Due to non compliance of the orders of the Commission, the PIO was issued **show cause notice and the PIO** was directed to be present personally before the Commission alongwith written reply on an affidavit. The order is reproduced hereunder:

The case was last heard on **05.11.2018**. The PIO was absent. The respondent present has brought the information. The appellant was not present to point out the discrepancies, if any. The respondent was directed to send the information to the complainant through registered post and send compliance to the Commission.

The PIO did not file reply to the show cause notice issued on 17.09.2018. The PIO-BDPO was afforded one last opportunity to appear personally on the next date of hearing and reply to the show cause notice on an affidavit failing which the Commission will take action as per RTI Act.

The case again came up for hearing on heard on **11.12.2018**. The complainant informed that he received information on 09.11.2018 but the information was incomplete. The PIO, BDPO, Ferozepur was absent and had not filed any reply to the show cause or any paper in his defense.

During the course of hearing, it came to the notice of the Commission that two different people had sought exactly same information and in one case No.552/2018, the PIO, BDPO Ferozepur had been penalized for not providing the information within the prescribed time under the RTI Act. In this case, the PIO, BDPO was granted one last opportunity to sort out the discrepancies and provide the information to the complainant as per the RTI application. The PIO was also directed to appear personally on the next date of hearing and submit reply to the show cause on an affidavit.

The case was last heard on **13.02.2019**. The order is reproduced hereunder:

“Since both the parties were absent, the case was adjourned.

Sh.Paramjit Singh, PIO-BDPO, Ferozepur alongwith Sh.Kulwant Singh, Panchayat Secretary O/o BDPO appeared late and informed that the information has been provided to the complainant. The PIO further pleaded they will contact the complainant and sort out the discrepancies with the complainant if any. The respondent is directed to comply with the earlier order of the Commission which still stands and send a compliance report to the Commission.”

Hearing dated 03.04.2019:

The respondent present has pleaded that the information has been provided to the appellant. The appellant has also acknowledged the receipt of the information and shown his satisfaction.

Since the information has been provided, no further course of action is required. The case is **disposed off and closed**.

Chandigarh
Dated: 03.04.2019

(Khushwant Singh)
State Information Commissioner

CC to :The BDPO Ferozepur.

Sh.Nirmal Singh S/o Gian Singh,
VPO BhochhiRajputtan,
Tehsil Baba Bakala,
District Amritsar.

... Appellant

Versus

Public Information Officer,
SSP (Rural) Amritsar.

First Appellate Authority,
Inspector General of Police,
Border Range, Amritsar.

...Respondent

Appeal Case No. 1251 of 2018

Present: Sh.Nirmal Singh as the Appellant
Sh.Nishan Singh, ASI Police Station Khilchian, ASI for the Respondent

ORDER:

The case was first heard on **12.06.2018**. The Appellant was directed to tally the information provided by the respondent with his RTI application and inform the discrepancies if any and the PIO is was also directed to send the remaining information to the appellant by registered post and come with proof of sending the information with dispatch receipt.

The case was again heard on **23.07.2018**. The PIO was absent. The Commission received a letter diary No.13324 dated 02.07.2018 from the PIO mentioning that in compliance with orders of the Commission, the information has been sent to the appellant through post registry No.746597195. The appellant was present and informed that there is some discrepancy regarding point No.7 i.e. statement of the alleged accused in FIR has not been provided. The PIO was directed to settle this discrepancy under the provisions of RTI Act.

The case was again heard on **28.08.2018**. The appellant informed that despite orders of the Commission, the information has not been provided to him. The respondent present pleaded that they will settle the discrepancy within 5 days. The PIO was again directed to settle the discrepancy regarding point No.7 of RTI i.e. the copy of record and/or statements of accused and/or witnesses recorded during the course of investigation, based on which the report and findings were drawn by the investigation officer within 5 days.

The case came up for hearing on **15.10.2018** through video conference facility available in the office of the Deputy Commissioner, Amritsar. Since both the parties were absent, the case was adjourned. The PIO was directed to send compliance report of the previous orders of the Commission.

The case was again heard on **03.12.2018**. The appellant pleaded that he has not received the information. The respondent was absent. The Commission had taken a serious note of this and directed the PIO to provide the information as per previous order within a week and send intimation to the Commission failing which the Commission will be constrained to take action under RTI Act.

The case again came up for hearing on **05.02.2019** through video conference facility available in the office of the Deputy Commissioner, Amritsar. The appellant pleaded that the information has not been provided so far.

The respondent was absent on 3rd consecutive hearing and neither provided the information to the appellant. The PIO O/o SSP(Rural), Amritsar was issued a **show cause notice under Section 20 of the RTI Act 2005 and was** directed to file an affidavit in this regard. The PIO was also directed to provide information to the appellant within 10 days of the receipt of order.

The case was last heard on **05.03.2019**. The representative appearing on behalf of the PIO did not know about the case and nor had brought any reply to the show cause notice. Taking notice of this, the PIO was given one more opportunity to be present on the next date of hearing and submit reply to the show cause notice on an affidavit. The PIO was also directed to comply with the earlier order of the Commission which still stands.

Hearing dated 03.04.2019:

The respondent present informed that the information has been provided to the appellant. The appellant claims that the PIO has not provided the statement of the accused. The respondent pleaded that there is no provision in law to record statement of the accused persons. Regarding show cause, the respondent has submitted an affidavit which is taken on the file of the Commission. The Commission observed that the delay is not malafide but is due to a communication gap between the manner in which the information was sought and the information provided, hence the show cause is dropped.

The Commission observes that the information stands provided except on point-7. The respondent says that they do not take statement of the accused for which they will respond to the appellant in writing. The PIO is directed to address the discrepancy about point-7 within a week.

With the above directions, the case is **disposed off and closed**.

Chandigarh
Dated: 03.04.2019

(Khushwant Singh)
State Information Commissioner

Sh Ashok Kapoor,
8-C, Kitchlu Nagar,
Ludhiana.

... Appellant

Versus

Public Information Officer,
Police Station,
Village Ladowal, Ludhiana.

First Appellate Authority,
Commissioner of Police,
Ludhiana

...Respondent

Appeal Case No. 1286 of 2018

Present: Sh.Ashok Kapoor as Appellant.
Sh.Umesh Kumar, HC for the respondent

ORDER: The case was first heard on **13.06.2018**. Sh.Raj Kumar, ASI, Police Station, Ladowal was present on behalf of respondent-PIO who pleaded that the appellant may visit their office and inspect the available record and get the requisite information. The PIO was directed to provide the point-wise information to the appellant before the next date of hearing.

The case was again heard on **30.07.2018**. The appellant informed that he had visited the office of PIO and after inspecting the record, the PIO was apprised of the information required. The respondent has informed that he has brought the information. The PIO was directed to send the information to the appellant via Registered Post. The appellant was asked to go through the information and inform the deficiency, if any, to the PIO.

The case again came up for hearing on **25.10.2018** through video conference facility available in the office of the Deputy Commissioner, Ludhiana. The appellant informed that no information has been provided to him so far. The respondent was absent without intimation to the Commission and despite repeated orders of the Commission on 13.06.2018 and 30.07.2018, no information was provided. The PIO was **issued show cause notice** and he was directed to appear before the Commission along with the written replies on an affidavit.

The PIO was also directed to provide the information to the appellant within 10 days of the receipt of the orders of the Commission and send compliance report to the Commission.

The case was again heard on **03.12.2018**. The PIO, SHO Police Station, Ladowal, District Ludhiana was again absent. Sh.Jatinder Singh, ASI, a representative was present who did not know contents of the case. This was the fourth consecutive time that the PIO was absent and neither sent formal reply citing the reasons for exemption. The appellant informed that he has not been provided the information and pleaded strict action against the erring PIO.

Keeping all facts of the case, it was observed that the PIO was flouting the spirit of the RTI Act continuously and the PIO had not only shown utter disregard for the Commission's repeated orders to provide the information but had shown willful stubbornness in not replying to the Show Cause and not appearing before the commission despite various orders.

To secure an erring PIO's presence before the commission, a bailable Warrant of SHO Police Station, Ladowal, District Ludhiana Under Section 18(3) of the RTI Act was issued through Commissioner of Police, Ludhiana for his presence before the Commission on 29.01.2019., which date was postponed to 13.02.2019. The PIO was also directed to provide the information within five days of receipt of this order.

The case last came up for hearing on **13.02.2019**. The order is reproduced hereunder:

“The appellant informed that he has not received the information.

Sh.Varinder Pal Singh, SHO, Ladowal appeared late and pleaded that the available information has been provided to the appellant. The respondent further pleaded that he has brought the information again and the discrepancy if any, found in the information, will be sorted out with the appellant.

Since the case was adjourned, the respondent has been directed to comply with the earlier order of the Commission which still stands and be present on the next date of hearing alongwith appropriate reply to the show cause.”

Hearing dated 03.04.2019:

The appellant claims that no information has been provided by the PIO. The respondent present does not know the contents of the case and informed that the SHO Sh.Varinder Pal Singh has been promoted as DSP and now transferred and posted in Barnala.

Since there had been an enormous delay in providing the information and the PIO had been flouting the spirit of the RTI Act continuously, the PIO was issued a show cause under section 20 of the RTI Act on 25.10.2018 and directed to file an affidavit in this regard.

On the next date of hearing which was held on 03.12.2018, the PIO was once again absent and neither did he send a reply to the show cause after which, the PIO-SHO Ladowal was issued bailable warrants under section 18(3) of the RTI Act through Commissioner of Police, Ludhiana to ensure his presence before the Commission on 29.01.2019. Since the hearing could not take place on 29.01.2019 due to some administrative reason, it was postponed to 13.02.2019.

On 13.02.2019, the PIO appeared late and pleaded that the information has been provided to the appellant and that the discrepancies, if any, shall be sorted out with the appellant. However, the PIO did not file any reply to the show cause.

The case has come up for hearing today. The appellant informed that he has still not received the information. Sh.Umesh Kumar, HC representing the PIO has brought a page of information which is not as per the RTI application. The PIO however in spite of the orders of the Commission to be personally present has not turned up but sent a representative Sh.Umesh Kumar to attend the hearing. It may be mentioned that the PIO-Police Station, Ladowal (now promoted and transferred to Barnala) other than being absent, has not filed any reply to the Show Cause or any paper in his defense.

Keeping the above facts of the case in mind, it is very clear that the then PIO-SHO Ladowal has been willfully defiant of the Commission's orders despite the ample opportunities to explain his case, which means that he has nothing to say on the matter. If this case is not fit to invoke to section 20 of the RTI Act and impose a penalty on the PIO then what else would be? Section 20 reads as follows-

20.Penalties. – (1) *Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complain or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause, refused to receive an application for*

information or has not furnished information within the time specified under sub-section (1) of section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall impose a penalty of two hundred and fifty rupees each day till application is received or information is furnished, so however, the total amount of such penalty shall not exceed twenty-five thousand rupees:

Provided that the Central Public Information Officer or the State Public Information Officer, as the case may be, shall be give a reasonable opportunity of being heard before any penalty is imposed on him:

Provide further that the burden of proving that he acted reasonably and diligently shall be on the Central Information Officer, as the case may be."

Since the responsibility to ensure the timely transmission of information in this particular case lay with the PIO-Police Station Ladowal, who is the custodian of the information, he is hereby 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, and for repeated and willful defiance of the Punjab State Information Commission's orders.

Since the appellant is same in this case and appeal cases No.1295/2018, 1296/2018, 1297/2018 & 1298/2018 and the information sought is similar with different dates, all five cases are clubbed together for the purpose of considering appropriate action against the PIO for the reasons cited above. The Commission holds the then PIO-Police Station Ladowal guilty for not providing the information on time and for willful defiance of the order of the Commission and hereby imposes a penalty of **Rs.25,000/-** upon Sh.Varinder Pal Singh, the then PIO-Police Station Ladowal(Now promoted and transferred to Barnala), which be deposited in the Govt. Treasury. Sh.Varinder Pal Singh, the then PIO-Police Station Ladowal(Now promoted and transferred to Barnala) is directed to duly inform the Commission of the compliance of the orders by producing a copy of the challan justifying the deposition of the penalty in the Govt Treasury.

A copy of the order is being sent to the Senior Superintendent of Police Barnala with the directions to deduct the penalty amount from the salary of Sh.Varinder Pal Singh (the then PIO-Police Station Ladowal) which be deposited in the Govt Treasury and send a compliance report to the Commission.

2. The new PIO is directed to provide the information to the appellant as per the RTI Act and be present on the next date of hearing.

To come up for further hearing on **22.05.2019 at 11.00 AM.**

Chandigarh
Dated: 03.04.2019

(Khushwant Singh)
State Information Commissioner

CC to :1. Sh.Varinder Pal Singh, DSP,
Barnala (Earlier PIO-Police Station, Ladowal)

2. Senior Superintendent of Police,
Barnala.

Sh Ashok Kapoor,
8-C, Kitchlu Nagar,
Ludhiana

Appellant.

Versus

Public Information Officer,
Police Station, Ladowal ,
Ludhiana.

First Appellate Authority,
Commissioner of Police,
Ludhiana

...Respondent

Appeal Case No. 1295 of 2018

Present: Sh.Ashok Kapoor as Appellant.
Sh.Umesh Kumar, HC for the Respondent

ORDER: The case was first heard on **13.06.2018**. Sh.Raj Kumar, ASI, Police Station, Ladowal was present on behalf of respondent-PIO who pleaded that the appellant may visit their office and inspect the available record and get the requisite information. The PIO was directed to provide the point-wise information to the appellant before the next date of hearing.

The case was again heard on **30.07.2018**. The appellant informed that he had visited the office of PIO and after inspecting the record, the PIO was apprised of the information required. The respondent has informed that he has brought the information. The PIO was directed to send the information to the appellant via Registered Post. The appellant was asked to go through the information and inform the deficiency, if any, to the PIO.

The case was last heard on **25.10.2018** through video conference facility available in the office of the Deputy Commissioner, Ludhiana. The appellant informed that no information has been provided to him so far. The respondent was absent without intimation to the Commission and despite repeated orders of the Commission on 13.06.2018 and 30.07.2018, no information was provided. The PIO was **issued show cause notice** and he was directed to appear before the Commission along with the written replies on an affidavit.

The PIO was also directed to provide the information to the appellant within 10 days of the receipt of the orders of the Commission and send compliance report to the Commission.

The case was again heard on **03.12.2018**. The PIO, SHO Police Station, Ladowal, District Ludhiana was again absent. Sh.Jatinder Singh, ASI, a representative was present who did not know contents of the case. This was the fourth consecutive time that the PIO was absent and neither sent formal reply citing the reasons for exemption. The appellant informed that he has not been provided the information and pleaded strict action against the erring PIO.

Keeping all facts of the case, it was observed that the PIO was flouting the spirit of the RTI Act continuously and the PIO had not only shown utter disregard for the Commission's repeated orders to provide the information but had shown willful stubbornness in not replying to the Show Cause and not appearing before the commission despite various orders.

To secure an erring PIO's presence before the commission, a bailable Warrant of SHO Police Station, Ladowal, District Ludhiana Under Section 18(3) of the RTI Act was issued through Commissioner of Police, Ludhiana for his presence before the Commission on 29.01.2019., which date was postponed to 13.02.2019. The PIO was also directed to provide the information within five days of receipt of this order.

The case was last heard on **13.02.2019**. The order is reproduced hereunder:

“The appellant informed that he has not received the information.

Sh.Varinder Pal Singh, SHO, Ladowal appeared late and pleaded that the available information has been provided to the appellant. The respondent further pleaded that he has brought the information again and the discrepancy if any, found in the information, will be sorted out with the appellant.

Since the case was adjourned, the respondent has been directed to comply with the earlier order of the Commission which still stands and be present on the next date of hearing alongwith appropriate reply to the show cause.”

Hearing dated 03.04.2019:

The appellant claims that no information has been provided by the PIO. The respondent present does not know contents of the case and informed that the SHO Sh.Varinder Pal Singh has been promoted as DSP and now transferred and posted in Barnala.

Since there had been an enormous delay in providing the information and the PIO had been flouting the spirit of the RTI Act continuously, the PIO was issued a show cause under section 20 of the RTI Act on 25.10.2018 and directed to file an affidavit in this regard.

On the next date of hearing which was held on 03.12.2018, the PIO was once again absent and neither did he send reply to the show cause, after which the PIO-SHO Ladowal was issued bailable warrants under section 18(3) of the RTI Act on 03.12.2018 through Commissioner of Police, Ludhiana to ensure his presence before the Commission on 29.01.2019. Since the hearing could not take place on 29.01.2019 due to some administrative reason, it was postponed to 13.02.2019.

On 13.02.2019, the PIO appeared late and pleaded that the information has been provided to the appellant and that the discrepancies if any, shall be sorted out with the appellant. However, the PIO did not file any reply to the show cause.

The case has come up for hearing today. The appellant informed that he has still not received the information. Sh.Umesh Kumar, HC representing the PIO has brought nothing. The PIO however in spite of the orders of the Commission to be personally present has not turned up but sent a representative Sh.Umesh Kumar to attend the hearing. It may be mentioned that the PIO other than being absent has not filed any reply to the Show Cause or any paper in his defense.

Keeping the above facts of the case in mind, it is a fit case to invoke to section 20 of the RTI Act and impose a penalty on the PIO. However, since the appellant is the same in this case and appeal cases No.1286/2018, 1296/2018, 1297/2018 & 1298/2018 and the information sought is almost similar with different dates, all five cases have been clubbed together for the purpose of considering appropriate action against the PIO for the reasons cited above and Sh.Varinder Pal Singh, the then PIO(now promoted and posted at Barnala) has been penalized. The new PIO-Police Station, Ladowal is directed to provide the information to the appellant as per the RTI Act in this case and be present on the next date of hearing.

To come up for further hearing on **22.05.2019 at 11.00 AM** for further hearing.

Sh Ashok Kapoor,
8-C, Kitchlu Nagar,
Ludhiana

Appellant.

Versus

Public Information Officer,
Police Station, Ladowal ,
Ludhiana.

First Appellate Authority,
Commissioner of Police,
Ludhiana

...Respondent

Appeal Case No. 1296 of 2018

Present: **Sh.Ashok Kapoor as Appellant.**
 Sh.Umesh Kumar, HC for the Respondent

ORDER: The case was first heard on **13.06.2018**. Sh.Raj Kumar, ASI, Police Station, Ladowal was present on behalf of respondent-PIO who pleaded that the appellant may visit their office and inspect the available record and get the requisite information. The PIO was directed to provide the point-wise information to the appellant before the next date of hearing.

The case was again heard on **30.07.2018**. The appellant informed that he had visited the office of PIO and after inspecting the record, the PIO was apprised of the information required. The respondent has informed that he has brought the information. The PIO was directed to send the information to the appellant via Registered Post. The appellant was asked to go through the information and inform the deficiency, if any, to the PIO.

The case was last heard on **25.10.2018** through video conference facility available in the office of the Deputy Commissioner, Ludhiana. The appellant informed that no information has been provided to him so far. The respondent was absent without intimation to the Commission and despite repeated orders of the Commission on 13.06.2018 and 30.07.2018, no information was provided. The PIO was **issued show cause notice** and he was directed to appear before the Commission along with the written replies on an affidavit.

The PIO was also directed to provide the information to the appellant within 10 days of the receipt of the orders of the Commission and send compliance report to the Commission.

The case was again heard on **03.12.2018**. The PIO, SHO Police Station, Ladowal, District Ludhiana was again absent. Sh.Jatinder Singh, ASI, a representative was present who did not know contents of the case. This was the fourth consecutive time that the PIO was absent and neither sent formal reply citing the reasons for exemption. The appellant informed that he has not been provided the information and pleaded strict action against the erring PIO.

Keeping all facts of the case, it was observed that the PIO was flouting the spirit of the RTI Act continuously and the PIO had not only shown utter disregard for the Commission's repeated orders to provide the information but had shown willful stubbornness in not replying to the Show Cause and not appearing before the commission despite various orders.

To secure an erring PIO's presence before the commission, a bailable Warrant of SHO Police Station, Ladowal, District Ludhiana Under Section 18(3) of the RTI Act was issued through Commissioner of Police, Ludhiana for his presence before the Commission on 29.01.2019., which date was postponed to 13.02.2019. The PIO was also directed to provide the information within five days of receipt of this order.

The case was last heard on **13.02.2019**. The order is reproduced hereunder:

“The appellant informed that he has not received the information.

Sh.Varinder Pal Singh, SHO, Ladowal appeared late and pleaded that the available information has been provided to the appellant. The respondent further pleaded that he has brought the information again and the discrepancy if any, found in the information, will be sorted out with the appellant.

Since the case was adjourned, the respondent has been directed to comply with the earlier order of the Commission which still stands and be present on the next date of hearing alongwith appropriate reply to the show cause.”

Hearing dated 03.04.2019:

The appellant claims that no information has been provided by the PIO. The respondent present does not know contents of the case and informed that the SHO Sh.Varinder Pal Singh has been promoted as DSP and now transferred and posted in Barnala.

Since there had been an enormous delay in providing the information and the PIO had been flouting the spirit of the RTI Act continuously, the PIO was issued a show cause under section 20 of the RTI Act on 25.10.2018 and directed to file an affidavit in this regard.

On the next date of hearing which was held on 03.12.2018, the PIO was once again absent and neither did he send reply to the show cause, after which the PIO-SHO Ladowal was issued bailable warrants under section 18(3) of the RTI Act on 03.12.2018 through Commissioner of Police, Ludhiana to ensure his presence before the Commission on 29.01.2019. Since the hearing could not take place on 29.01.2019 due to some administrative reason, it was postponed to 13.02.2019.

On 13.02.2019, the PIO appeared late and pleaded that the information has been provided to the appellant and that the discrepancies if any, shall be sorted out with the appellant. However, the PIO did not file any reply to the show cause.

The case has come up for hearing today. The appellant informed that he has still not received the information. Sh.Umesh Kumar, HC representing the PIO has brought nothing. The PIO however in spite of the orders of the Commission to be personally present has not turned up but sent a representative Sh.Umesh Kumar to attend the hearing. It may be mentioned that the PIO other than being absent has not filed any reply to the Show Cause or any paper in his defense.

Keeping the above facts of the case in mind, it is a fit case to invoke to section 20 of the RTI Act and impose a penalty on the PIO. However, since the appellant is the same in this case and appeal cases No.1286/2018, 1295/2018, 1297/2018 & 1298/2018 and the information sought is almost similar with different dates, all five cases have been clubbed together for the purpose of considering appropriate action against the PIO for the reasons cited above and Sh.Varinder Pal Singh, the then PIO(now promoted and posted at Barnala) has been penalized. The new PIO-Police Station, Ladowal is directed to provide the information to the appellant as per the RTI Act in this case and be present on the next date of hearing.

To come up for further hearing on **22.05.2019 at 11.00 AM**.

Sh Ashok Kapoor,
8-C, Kitchlu Nagar,
Ludhiana

Appellant.

Versus

Public Information Officer,
Police Station, Ladowal ,
Ludhiana.

First Appellate Authority,
Commissioner of Police,
Ludhiana

...Respondent

Appeal Case No. 1297 of 2018

Present: **Sh.Ashok Kapoor as Appellant.**
 Umesh Kumar, HC for the Respondent

ORDER: The case was first heard on **13.06.2018**. Sh.Raj Kumar, ASI, Police Station, Ladowal was present on behalf of respondent-PIO who pleaded that the appellant may visit their office and inspect the available record and get the requisite information. The PIO was directed to provide the point-wise information to the appellant before the next date of hearing.

The case was again heard on **30.07.2018**. The appellant informed that he had visited the office of PIO and after inspecting the record, the PIO was apprised of the information required. The respondent has informed that he has brought the information. The PIO was directed to send the information to the appellant via Registered Post. The appellant was asked to go through the information and inform the deficiency, if any, to the PIO.

The case was last heard on **25.10.2018** through video conference facility available in the office of the Deputy Commissioner, Ludhiana. The appellant informed that no information has been provided to him so far. The respondent was absent without intimation to the Commission and despite repeated orders of the Commission on 13.06.2018 and 30.07.2018, no information was provided. The PIO was **issued show cause notice** and he was directed to appear before the Commission along with the written replies on an affidavit.

The PIO was also directed to provide the information to the appellant within 10 days of the receipt of the orders of the Commission and send compliance report to the Commission.

The case was again heard on **03.12.2018**. The PIO, SHO Police Station, Ladowal, District Ludhiana was again absent. Sh.Jatinder Singh, ASI, a representative was present who did not know contents of the case. This was the fourth consecutive time that the PIO was absent and neither sent formal reply citing the reasons for exemption. The appellant informed that he has not been provided the information and pleaded strict action against the erring PIO.

Keeping all facts of the case, it was observed that the PIO was flouting the spirit of the RTI Act continuously and the PIO had not only shown utter disregard for the Commission's repeated orders to provide the information but had shown willful stubbornness in not replying to the Show Cause and not appearing before the commission despite various orders.

To secure an erring PIO's presence before the commission, a bailable Warrant of SHO Police Station, Ladowal, District Ludhiana Under Section 18(3) of the RTI Act was issued through Commissioner of Police, Ludhiana for his presence before the Commission on 29.01.2019., which date was postponed to 13.02.2019. The PIO was also directed to provide the information within five days of receipt of this order.

The case was last heard on **13.02.2019**. The order is reproduced hereunder:

“The appellant informed that he has not received the information.

Sh.Varinder Pal Singh, SHO, Ladowal appeared late and pleaded that the available information has been provided to the appellant. The respondent further pleaded that he has brought the information again and the discrepancy if any, found in the information, will be sorted out with the appellant.

Since the case was adjourned, the respondent has been directed to comply with the earlier order of the Commission which still stands and be present on the next date of hearing alongwith appropriate reply to the show cause.”

Hearing dated 03.04.2019:

The appellant claims that no information has been provided by the PIO. The respondent present does not know contents of the case and informed that the SHO Sh.Varinder Pal Singh has been promoted as DSP and now transferred and posted in Barnala.

Since there had been an enormous delay in providing the information and the PIO had been flouting the spirit of the RTI Act continuously, the PIO was issued a show cause under section 20 of the RTI Act on 25.10.2018 and directed to file an affidavit in this regard.

On the next date of hearing which was held on 03.12.2018, the PIO was once again absent and neither did he send reply to the show cause, after which the PIO-SHO Ladowal was issued bailable warrants under section 18(3) of the RTI Act on 03.12.2018 through Commissioner of Police, Ludhiana to ensure his presence before the Commission on 29.01.2019. Since the hearing could not take place on 29.01.2019 due to some administrative reason, it was postponed to 13.02.2019.

On 13.02.2019, the PIO appeared late and pleaded that the information has been provided to the appellant and that the discrepancies if any, shall be sorted out with the appellant. However, the PIO did not file any reply to the show cause.

The case has come up for hearing today. The appellant informed that he has still not received the information. Sh.Umesh Kumar, HC representing the PIO has brought nothing. The PIO however in spite of the orders of the Commission to be personally present has not turned up but sent a representative Sh.Umesh Kumar to attend the hearing. It may be mentioned that the PIO other than being absent has not filed any reply to the Show Cause or any paper in his defense.

Keeping the above facts of the case in mind, it is a fit case to invoke to section 20 of the RTI Act and impose a penalty on the PIO. However, since the appellant is the same in this case and appeal cases No.1286/2018, 1295/2018, 1296/2018 & 1298/2018 and the information sought is almost similar with different dates, all five cases have been clubbed together for the purpose of considering appropriate action against the PIO for the reasons cited above and Sh.Varinder Pal Singh, the then PIO(now promoted and posted at Barnala) has been penalized. The new PIO-Police Station, Ladowal is directed to provide the information to the appellant as per the RTI Act in this case and be present on the next date of hearing.

To come up for further hearing on **22.05.2019 at 11.00 AM**.



Sh Ashok Kapoor,
8-C, Kitchlu Nagar,
Ludhiana

Appellant.

Versus

Public Information Officer,
Police Station, Ladowal ,
Ludhiana.

First Appellate Authority,
Commissioner of Police,
Ludhiana

...Respondent

Appeal Case No. 1298 of 2018

Present: **Sh.Ashok Kapoor as Appellant.**
 Sh.Umesh Kumar, HC for the Respondent

ORDER: The case was first heard on **13.06.2018**. Sh.Raj Kumar, ASI, Police Station, Ladowal was present on behalf of respondent-PIO who pleaded that the appellant may visit their office and inspect the available record and get the requisite information. The PIO was directed to provide the point-wise information to the appellant before the next date of hearing.

The case was again heard on **30.07.2018**. The appellant informed that he had visited the office of PIO and after inspecting the record, the PIO was apprised of the information required. The respondent has informed that he has brought the information. The PIO was directed to send the information to the appellant via Registered Post. The appellant was asked to go through the information and inform the deficiency, if any, to the PIO.

The case was last heard on **25.10.2018** through video conference facility available in the office of the Deputy Commissioner, Ludhiana. The appellant informed that no information has been provided to him so far. The respondent was absent without intimation to the Commission and despite repeated orders of the Commission on 13.06.2018 and 30.07.2018, no information was provided. The PIO was **issued show cause notice** and he was directed to appear before the Commission along with the written replies on an affidavit.

The PIO was also directed to provide the information to the appellant within 10 days of the receipt of the orders of the Commission and send compliance report to the Commission.

The case was again heard on **03.12.2018**. The PIO, SHO Police Station, Ladowal, District Ludhiana was again absent. Sh.Jatinder Singh, ASI, a representative was present who did not know contents of the case. This was the fourth consecutive time that the PIO was absent and neither sent formal reply citing the reasons for exemption. The appellant informed that he has not been provided the information and pleaded strict action against the erring PIO.

Keeping all facts of the case, it was observed that the PIO was flouting the spirit of the RTI Act continuously and the PIO had not only shown utter disregard for the Commission's repeated orders to provide the information but had shown willful stubbornness in not replying to the Show Cause and not appearing before the commission despite various orders.

To secure an erring PIO's presence before the commission, a bailable Warrant of SHO Police Station, Ladowal, District Ludhiana Under Section 18(3) of the RTI Act was issued through Commissioner of Police, Ludhiana for his presence before the Commission on 29.01.2019., which date was postponed to 13.02.2019. The PIO was also directed to provide the information within five days of receipt of this order.

The case was last heard on **13.02.2019**. The order is reproduced hereunder:

“The appellant informed that he has not received the information.

Sh.Varinder Pal Singh, SHO, Ladowal appeared late and pleaded that the available information has been provided to the appellant. The respondent further pleaded that he has brought the information again and the discrepancy if any, found in the information, will be sorted out with the appellant.

Since the case was adjourned, the respondent has been directed to comply with the earlier order of the Commission which still stands and be present on the next date of hearing alongwith appropriate reply to the show cause.”

Hearing dated 03.04.2019:

The appellant claims that no information has been provided by the PIO. The respondent present does not know contents of the case and informed that the SHO Sh.Varinder Pal Singh has been promoted as DSP and now transferred and posted in Barnala.

Since there had been an enormous delay in providing the information and the PIO had been flouting the spirit of the RTI Act continuously, the PIO was issued a show cause under section 20 of the RTI Act on 25.10.2018 and directed to file an affidavit in this regard.

On the next date of hearing which was held on 03.12.2018, the PIO was once again absent and neither did he send reply to the show cause, after which the PIO-SHO Ladowal was issued bailable warrants under section 18(3) of the RTI Act on 03.12.2018 through Commissioner of Police, Ludhiana to ensure his presence before the Commission on 29.01.2019. Since the hearing could not take place on 29.01.2019 due to some administrative reason, it was postponed to 13.02.2019.

On 13.02.2019, the PIO appeared late and pleaded that the information has been provided to the appellant and that the discrepancies if any, shall be sorted out with the appellant. However, the PIO did not file any reply to the show cause.

The case has come up for hearing today. The appellant informed that he has still not received the information. Sh.Umesh Kumar, HC representing the PIO has brought nothing. The PIO however in spite of the orders of the Commission to be personally present has not turned up but sent a representative Sh.Umesh Kumar to attend the hearing. It may be mentioned that the PIO other than being absent has not filed any reply to the Show Cause or any paper in his defense.

Keeping the above facts of the case in mind, it is a fit case to invoke to section 20 of the RTI Act and impose a penalty on the PIO. However, since the appellant is the same in this case and appeal cases No.1286/2018, 1295/2018, 1296/2018 & 1297/2018 and the information sought is almost similar with different dates, all five cases have been clubbed together for the purpose of considering appropriate action against the PIO for the reasons cited above and Sh.Varinder Pal Singh, the then PIO(now promoted and posted at Barnala) has been penalized. The new PIO-Police Station, Ladowal is directed to provide the information to the appellant as per the RTI Act in this case and be present on the next date of hearing.

To come up for further hearing on **22.05.2019 at 11.00 AM**.

Sh.Sushil Kumar, S/o ShJoginder Nath,
VPO Sohana Baroti Wala Mohalla,
Near Water Tank, Sector-77,
Sohana, Mohali.

....Appellant

Versus

Public Information Officer,
O/o E.O, GMADA,
Mohali.

First Appellate Authority,
O/o GMADA,
Mohali.

...Respondent

Appellant Case No. 3834 of 2018

Present: Sh. Himmat Singh representative of Sh.Sushil Kumar, appellant
Sh.Gulshan Kumar, PIO for the Respondent

Order:

The case was last heard on 05.03.2019. The order is reproduced hereunder:

“The appellant through RTI application dated 04.07.2018 has sought information regarding charging of 5% extra against allotment price of plot allotted under Land Pooling Scheme in Aero city concerning the office of EO GMADA Mohali. The appellant was not provided the information after which the appellant filed first appeal before the First Appellant Authority on 13.08.2018 which took no decision on the appeal.

The respondent pleaded that the information has been provided to the appellant on 14.02.2019. The appellant is not satisfied with the information and stated that he wants the policy circular regarding charging of 5% extra cost for the plot allotted under land pooling scheme.

The Commission observed that the appellant has asked for policy notification for charging 5% extra whereas the PIO has merely provided allotment latter and not provided any documents which leads towards the conclusion that the department will charge 5% extra for facing park. The PIO is directed to provide with whatever the document that is available to the appellant within a week and send a compliance report to the Commission.”

Hearing dated 03.04.2019:

The respondent has brought the information and handed over to the representative of the appellant. The representative of the appellant has received the information and shown his satisfaction.

Since the information has been provided, no further course of action is required. The case is **disposed off and closed**.