

PUNJAB STATE INFORMATION COMMISSION

RED CROSS BUILDING, MADHYA MARG, SECTOR 16, CHANDIGARH.

Fax 0172-2864110 Phone No-0172-2864120

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Bench: Sh. Sanjiv Garg, State Information Commissioner, Punjab.



Shri Vikram Vaid

1527, Gali No.2,
Bagh Rama Nand
Amritsar-(M-9855032897)

...Appellant

Versus

Public Information Officer

O/o Sr. Medical Officer
Civil Hospital, JBMM Ram Bagh
Amritsar.

First Appellate Authority

O/o Civil Surgeon,
Taylor Road, Amritsar.

...Respondents

Appeal Case No.1674 of 2018

Present: Sh.Vikram Vaid, Appellant is present.
Dr.Jaswinder Singh, Medical Officer, Civil Hospital, JBMM Ram Bagh, Amritsar
APIO on behalf of PIO/Respondent

ORDER:

The case was last heard on 12.02.2019. On 12.02.2018, the appellant Sh. Vikram Vaid was present. He had stated that out of 48 cases, acknowledgement receipts of 16 cases had been received by him and 32 cases were still pending. He had further stated that information relating to Point No.5 i.e. affidavit was also pending and had requested for the remaining information. The representative of PIO Sh.Sanjeev Kumar had 32 cases are simple cases in which MRL is given on the spot and receipt is taken on back of MLR register. He had assured to give information on Point no.2 and 5.

After discussion with the parties, PIO was directed to supply photocopies of the acknowledgments regarding Point No.2 and to file proper reply in the form of an affidavit signed by the PIO that the cases had been sent to the Police Station, through registered post. The appellant was advised to point out deficiencies, if any, on receipt of information, to the PIO by regd. post.

Today, Dr. Jaswinder Singh, APIO appears on behalf of PIO/Respondent. He produces his authority letter. He also hands over copies of MRLs (32 pages) to the Appellant and also gives copy of the affidavit to the appellant as well as to the Court.

....1/2



Appeal Case No.1674 of 2018

On the asking of the court, the Appellant states that the affidavit is incomplete in which it is stated that no information is pending whereas the information asked for is that the cases have been sent to the concerned Police station as in the previous order dated 17.12.2018, he had stated that the MLR/PMR/X-Ray Film (CT Scan Film. Reports/ Final Doctor Opinion) had been sent to the concerned Police Station and could be obtained from them.

It is observed that the PIO/Respondent is unnecessarily delay in the information. As such, **PIO O/o The Senior Medical Officer, Civil Hospital, JBMM Ram Bagh, Amritsar will Show Cause under Section 20 (1) of the RTI Act, as to why penalty be not imposed upon him for willful delay in supplying the information to the RTI Appellant and as to why the compensation be not awarded to the information-seeker under the provisions of the RTI Act, 2005.**

In addition, the PIO is also hereby given an opportunity under Section 20(1) provision thereto, for a personal hearing with the sought for information, before the imposition of such penalty on the next date of hearing.

PIO/Respondent is directed to supply the information before the next date of hearing by registered post and also to produce the receipt thereof. If proper reply is not filed before the next date, penalty would be imposed. Appellant is also advised to point out deficiencies, if any, on receipt of information from the PIO/ Respondent.

The case is adjourned to next date of hearing which is fixed for **29.05.2019 at 11.00 AM.**

Sd/-
(Sanjiv Garg)
State Information Commission
Punjab

Dated:03.04.2019

Show Cause Notice

Regd.Post Public Information Officer(By Name)
O/o Senior Medical Officer, Civil Hospital,
JBMM Ram Bagh
Amritsar.

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Bench: Sh. Sanjiv Garg, State Information Commissioner, Punjab.



Shri Vikram Vaid

1527, Gali No.2,
Bagh Rama Nand
Amritsar-(M-9855032897)

...Appellant

Versus

Public Information Officer

O/o Govt. Medical (College),
Amritsar.

First Appellate Authority

O/o Principal, Govt. Medical (College),
Amritsar.

...Respondents

Appeal Case No.1673 of 2018

Present: Sh.Vikram Vaid, Appellant is present.
None is present on behalf of PIO/Respondent

ORDER:

The case was last heard on 12.02.2019. The Appellant Shri Vikram Vaid had come present. On behalf of PIO/Respondent, Dr. Sarbjit Singh had come present and had handed over copy of letter dated 16.04.2018 and had stated that the requisite information had been supplied to the appellant. The appellant had pointed out that he had sent deficiencies to the Appellant by e-mail but had not been removed.

After discussion, the PIO was directed to supply requisite information in written. He was also directed to supply information on Point No.1, 2, 3, 4 & 6 and regarding Point No.5, PIO was directed to file proper reply in the form of an affidavit.

The Appellant was advised to point out deficiencies, if any, after receiving the information from the PIO/Respondent. Today, the Appellant comes present and states that no information has been supplied to him. Nobody has come present on behalf of the PIO/Respondent, but an e.mail has been received from him. It has been informed through e-mail that another appeal case filed by Shri Vikram Vaid is fixed for 22.04.2019 and as the theory examination of the MBBS students is going on, he has prayed for adjournment of this appeal to 22.04.2019.

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Appeal Case No.1673 of 2018



On going through the file, it is observed that there was ample time available with the PIO/Respondent to supply the information by registered post to the appellant, but he is unnecessarily delaying the information. As such, **PIO O/o The Principal, Government Medical College, Amritsar will Show Cause under Section 20 (1) of the RTI Act, as to why penalty be not imposed upon him for willful delay in supplying the information to the RTI Appellant and as to why the compensation be not awarded to the information-seeker under the provisions of the RTI Act, 2005.**

In addition, the PIO is also hereby given an opportunity under Section 20(1) provision thereto, for a personal hearing with the sought for information, before the imposition of such penalty on the next date of hearing.

PIO/Respondent is directed to supply the information before the next date of hearing by registered post and also to produce the receipt thereof. If proper reply is not filed before the next date, penalty would be imposed. Appellant is also advised to point out deficiencies, if any, on receipt of information from the PIO/ Respondent.

The case is adjourned to next date of hearing which is fixed for **29.05.2019 at 11.00 AM.**

Dated:03.04.2019

Show Cause Notice

**Regd.Post Public Information Officer(By Name)
O/o Principal, Govt. Medical College
Amritsar.**

**Sd/-
(Sanjiv Garg)
State Information Commission
Punjab**

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Bench: Sh. Sanjiv Garg, State Information Commissioner, Punjab.



Sh.Yogesh Mahajan
S/o Sh.Kuldeep Raj Mahajan
President, Anti Corruption Council,
Opp. Water Tank, Municipal Market
Mission Road, Pathankot-145001
M-98143-54649)

.....Appellant

Versus

Public Information Officer
O/o Executive Engineer
Provincial Division,
PWD(B&R), Ferozepur.

First Appellate Authority
O/o Superintending Engineer
PWD (B&R), Ferozepur.

...Respondents

Appeal Case No.2293 of 2018

Present: Appellant Sh.Yogesh Mahajan is absent.
Sh.Anu Arora, Junior Assistant & Sh.Manvinder Singh, Jr.Asstt.
On behalf of the PIO/Respondent.

ORDER:

The case was last heard on 12.02.2019. The appellant was absent but an e-mail had been received from him that he may be exempted from hearing on that day and had stated that incomplete information had been provided to him. The representative of the PIO Sh. Manvinder Singh had stated that information had been sent vide regd. letter dated 04.01.2019 and had also submitted a copy of reply dated 03.01.2019 along with the requisite information.

After discussions with the representative of PIO/Respondent and going through the file, the Appellant was advised to point out deficiencies, if any, after receiving the information, to the PIO/Respondent. The PIO/Respondent was also directed to supply the requisite information after removing the deficiencies pointed out by the Appellant. The Appellant was also given an opportunity to appear in person or through his representative, otherwise the case would be decided on merits.

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Appeal Case No.2293 of 2018



Today, the appellant is absent without any intimation. On behalf of PIO/ Respondent, Shri Anu Arora, Jr. Asstt. and Sh. Manvinder Singh, Jr.Asstt come present and submit the copy of information regarding e-tendering duly attested, sent to the appellant which is taken on record. They state that the appellant had pointed out deficiency in the earlier information regarding non mentioning of amount. Now, they are submitting the information after removing the deficiency and it will also be sent to the Appellant by registered post.

Last opportunity is given to the Appellant to point out deficiencies; otherwise the case will be decided on merits.

The case is adjourned to next date of hearing which is fixed for **29.05.2019 at 11.00 AM.**

Both the parties come present on the next date of hearing.

Copies of orders be given to both the parties.

Dated:03.04.2019

Sd/-
(Sanjiv Garg)
State Information Commission
Punjab

PUNJAB STATE INFORMATION COMMISSION

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Bench: Sh. Sanjiv Garg, State Information Commissioner, Punjab.



Shri Ajmel Singh
Village Sangatpura,
Tehsil Jagraon,
District Ludhiana.

....Complainant

Versus

Public Information Officer,
O/o President, Gurdwara
Parbandhak Committee,
Sangatpura, Tehsil Jagraon
District Ludhiana.

Public Information Officer
O/o President,
Shiromani Gurdwara
Prabandhak Committee,
Amritsar.

...Respondents

Complaint Case No. 914 of 2018

Present: The Complainant Sh.Ajmel Singh Aujla is absent.
Sh.Kuldeep Singh, Assistant Supervisor is present
on behalf of Respondent/PIO.

ORDER:

The case was last heard on 12.02.2019. The Complaint Shri Ajmel Singh was present on the last date. Nobody was present on behalf of the PIO/Respondent.

On 17.12.2018, the complainant had stated that this Gurdwara comes under the jurisdiction of Shiromani Gurdwara Prabandhak Committee, accordingly, the Public Information Officer, Shiromani Gurdwara Prabandhak Committee, Amritsar was impleaded as party. Therefore, PIO/President, Bhai Behlo Gurdwara Prabandhak Committee, Sangatpura, Tehsil Jagraon, District Ludhiana as well as the Public Information Officer, Shiromani Gurdwara Prabandhak Committee, Amritsar were directed to come present before the Commission on the next date of hearing.

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Complaint Case No. 914 of 2018

On the next date i.e. on 12.02.2019, the complainant had come present. However, nobody had come present on behalf of both the PIOs/Respondents. After discussing with the Complainant and going through the file, the PIO/Respondents was advised to submit reply as mentioned in the e-mail dated 12.02.2019 on official letter head of SGPC duly signed by the PIO and supply the same to the complainant by registered post, with a copy to the Commission.

Today, the Complainant is absent without any intimation. On behalf of the PIO/Respondent Shiromani Gurdwara Parbandhak Committee, Sh.Kuldeep Singh, Assistant Supervisor comes present and submits a copy of letter dated 02.03.2019 sent to the complainant which is taken on record.

In this letter, it has been stated that the Gurdwara about which the complainant has sought information, is not under the control of SGPC and only the Gurdwaras under the control of SGPC come under the purview of RTI Act and other Gurdwaras situated in villages/towns do not come under the purview of RTI Act and as such, the information cannot be given to the complainant.

In view of the above, the complaint is disposed of and the case is closed.

Copies of the orders be sent to the parties.

Dated:03.04.2019

Sd/-
(Sanjiv Garg)
State Information Commissioner,
Punjab

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Bench: Sh. Sanjiv Garg, State Information Commissioner, Punjab.



Sh.Rakesh Kumar Gupta, Advocate

S/o Shri Des Raj Gupta
#8/237, Jagraon Road,
Mandi Mullanpur-141101
District Ludhiana(M-9814924851)

....Appellant

Versus

Public Information Officer-cum-

The Executive Officer,
Municipal Council,
Mullanpur Dakha-141101
District Ludhiana

First Appellate Authority

O/o The Director,
Local Government, Punjab
Municipal Bhawan, Sector-35A
Chandigarh.

Public Information Officer

O/o Registrar, Coop. Societies, Pb.
Sector-17, Chandigarh.

Public Information Officer

O/o The Manager,
Laburfed, Punjab, Chandigarh.

.....Respondents

Appeal Case No.3236 of 2018

Present: Sh.Rakesh Kumar, Appellant is present
Sh.Satyajit , Jr. Engr. Is present from M.C. Mullanpur Dakha
Sh.Kamli Devi, Supdt. & Sh.Sarabjit Singh, Sr. Assistant
O/o Registrar, Coop. Societies, Punjab
Sh.Satish Kumar, Manager, Labourhead, Punjab, alongwith Ms. Eshjyot Walia, Advocate
Smt. Rajwinder Kaur, Asstt.Coop. Engr.From the office of Director, Local Govt., Punjab
Mr.Harbans Sharma, Advocate for The Manghi Tootawali L/C Coop.Society Ltd., Hoshiarpur.

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ORDER:

The case was heard on 12.02.2019. The appellant was present. Amarjit Singh, Inspector had come present on behalf of the E.O. Municipal Council, Mullanpur Dakha. Smt. Kamli Devi, Supdt. had come present from the office of Registrar, Cooperative Societies, Punjab. Shri Satish Kumar, Manager had come present from office of Labourfed, Punjab, Chandigarh. Sh. Rajinder Kumar, Senior Assistant had come present from the office of Director Local Government, Punjab.

On the previous date of hearing, the Appellant had stated that no information had been provided to him. He had stated that the information on Points No.1,2,3,5,6,7 and 9 had to be supplied by the office of Registrar, Cooperative Societies, Punjab and the information on Points No.4 & 8 had to be supplied by the office of Director, Local Government, Punjab. Mrs. Kamli Devi, Supdt. O/o R.C.S. Punjab had assured that whatever information relates to them, would be provided to the Appellant through regd. post. Shri Satish Kumar, Manager, Labourfed had stated that their Advocate could not come, but pleaded that Labourfed does not come under the purview of RTI Act, 2005 and that this information had to be supplied by the office of Registrar, Cooperative Societies, Punjab. Shri Rajinder Kumar had come present on behalf of O/o PIO, Director, Local Govt. and had submitted a copy of reply dated 03.01.2019 which was not accepted. Regarding point no.4, he had stated that information regarding point no.4 would be provided to the appellant before next date of hearing.

After discussion with the parties and going through the file, all the Respondents/PIOs were directed to supply requisite information to the Appellant, as per discussion in the court and if the information is not available with them, then concerned PIOs/Respondents were directed to file proper reply in the form of an affidavit as to why the requisite information cannot be supplied. The Appellant was directed to point out deficiencies, if any, on receipt of information.

Today, Shri Satish Kumar, Manager, Labourfed comes present along with their Counsel Ms. Eshjyot Walia. The Counsel for Labourfed submits Power of Attorney and reply to the appeal dated 11.02.2019 alongwith supporting documents. In the reply, it has been pleaded that LABOURFED is not a public authority under Section 2(h) of the RTI Act, 2005. The Ld. Counsel has cited the following reported judgments in this regard :-



Appeal Case No.3236 of 2018

1. 2009(5) RCR (Civil) 394 (Karnataka- Bidar District Central Cooperative Bank Ltd., Bidar vs. Karnataka Information Commission, Bangalore & anr.
2. 2009(5) RCR (Civil) 833 (Karnataka)- Dattaparsad Cooperative Housing Society Ltd. Vs. Karnataka Information Commission, Bangalore & anr.
3. AIR 2009 Bombay 75 (Nagpur Bench)- Dr. Panjabrao Deshmukh Urban Cooperative Bank Ltd., vs. State Information Commission, Vidarbha Region, Nagpur & ors.
4. 2010(1) ID 83 (Kerala High Court)- Thalapallam Service Cooperative Bank Ltd., vs. Union Bank of India and others.

The reply has been supported with the above said judgments also.

On behalf of the Society namely; The Manghi Tootawali L/C Society Ltd., Hoshiarpur, Shri Harbans Lal, Advocate comes present and pleads that the Society is not a public authority and is not covered under the RTI Act. On the last date of hearing, the representative of the PIO O/o Director, Local Government, Punjab was directed to submit reply to points No.4 & 8, but today Ms. Rajwinder Kaur, Asstt. Coop. Engineer and Sh.Sarabjit Singh, Sr.Asstt. come present and submit a letter dated nil to the effect that the Urban Local Bodies call tenders and allot works to the societies on their own level. There is no practice of centralised tendering at Head Office level and the information relating to the tenders allotted to the Manghi Tootawali Cooperative L/C Society Ltd., Hoshiarpur is not available at Head Office. It has been stated that the existing limit of the Society to undertake development works and copy of the relevant certificate can be had from the concerned Local Body or Assistant Registrar, Cooperative Societies and the relevant information regarding allotment of tenders would be available with the concerned Local Body. Letter is taken on record.

In the instant case, the information has been sought by the Appellant from the PIO, O/o Director, Local Government, Punjab, but from the position explained above, it transpires that more than one PIO are involved in regard to the information sought by the Appellant. A similar issue had come up before Hon'ble Chief Information Commissioner in CC No.05 of 2010 titled as Kuldeep Singh Khaira vs. Public Information Officer, O/o I.G. Police, Pb. Police Hqrs., Sector-9, Chandigarh. The Hon'ble Bench had observed as under:-



Appeal Case No.3236 of 2018

“Section 6(1)(a) makes it clear that a person who desires to obtain any information ‘shall’ make a request to the PIO “of the concerned Public Authority” and the concerned public authority would be the authority which holds or controls the information. The information must be held in capacity as ‘Public Authority’. Even from a practical point of view, if a Head of a Department is called upon to collect, collate and supply information held by various offices who are public authorities spread all over the State under its control on the administrative side, the statutory dead-line of 30 days provided by Section 7 would be rarely honoured, given the sheer size and logistics of the operations, even for a small State like Punjab.

Xxxxxxx

For seeking assistance of any officer under the control of another Public Authority, there is a separate provision in law. If the information sought is held by another public authority i.e. by an authority other than to which the PIO who has received the request belongs, the law creates an obligation on the part of such a PIO to, “transfer the application or such part of it as may be appropriate to that other public authority”. This obligation under Section 6 of the Act is to transfer the application to ‘that other public authority’ and not to public authorities. The expression used in Section 6 is ‘authority’ and not authorities. Simply put, the PIO is expected to transfer a request which does not relate to him but has nevertheless been received by him, one identifiable authority. He is not expected to transfer such a request if information is held by many or a number of authorities. The rationale is that a PIO is not a post office or a coordinator for forwarding requests from information seekers to various departments. Legislature has merely facilitated the information seekers by empowering PIO who inadvertently receives request pertaining to another PIO to forward it to the concerned PIO. Law, however, does not require him to deal with multitude of public authorities; if that were so, some PIOs may end up doing nothing else!

In the above cited Complaint Case, the complainant had sought information from the Director General of Police, Punjab whereas the same could have sought the SSPs, the separate PIOs in the field. It was further observed that the information sought by the Appellant was in public interest but even the cause of public good is no ground to set wrong procedural precedents which would get cited in future to short circuit the law. It was held that PIO of the office of DGP was under no legal obligation to collect, collate and supply information to the appellant from other public authorities spread all over Punjab and of course, the PIO of the office of DGP was obligated to provide the information pertaining to the office of DGP.



Appeal Case No.3236 of 2018

In view of the position brought out above, it is revealed that the facts of the present Appeal Case are similar to that of Complaint Case No.05 of 05 of 2010 titled as Kuldeep Singh Khaira vs. Public Information Officer, O/o I.G. Police, Punjab Police Headquarters, Sector-9, Chandigarh. Accordingly, Court is of the view that the Appellant, in order to get the information sought by him, should apply to the PIOs concerned as the information sought by the Appellant relates to more than one PIO.

As per the above observations of the Court, the Appellant as well all the parties are directed to put forth their version in this regard.

The case is adjourned to another date of hearing which is fixed for **29.05.2019 at 11.00 AM.**

All the parties to come present on the next date of hearing.

Copies of orders be given to all the parties.

Sd/-

(Sanjiv Garg)
State Information Commissioner,
Punjab

Dated:03.04.2019

PUNJAB STATE INFORMATION COMMISSION

RED CROSS BUILDING, MADHYA MARG, SECTOR 16, CHANDIGARH.

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Bench: Sh. Sanjiv Garg, State Information Commissioner, Punjab.



Sh.Krishan Gopal Singla

S/o Sh.Brij Lal

B/190, Ward No.16,

Sangrur Road, Dhuri

District Sangrur (M-8054020388)

...Appellant

Versus

Public Information Officer

O/o The Secretary

Regional Transport Authority

Sangrur.

First Appellate Authority

O/o State Transport Commissioner

Punjab, Sector-17B, Chandigarh

...Respondents

Appeal Case No.3374 of 2018

Present: The Appellant Sh.Krishan Gopal Singla is absent.
Sh.Gurcharan Singh Sandhu, Assistant Transport Officer, Sangrur
is Present on behalf of PIO/Respondents.

ORDER:

The case was last heard on 12.02.2019. The appellant was absent. On behalf of PIO/Respondent, Shri Avtar Singh, Clerk had come present. He had stated that they had requested to the Appellant to visit their office on any working day vide letter dated 17.07.2018, copy of which had been taken on record. Though the Appellant was absent, but an e.mail had been received from his representative Shri Prem Kumar Rattan that he had not received any information and had requested for exemption from hearing on that date.

After discussion with the representative of PIO/Respondent and going through the case file, the PIO/Respondent was directed to supply information point-wise to the Appellant through registered post by next date of hearing. He was also advised to appear in person along with the postal receipt. The appellant was advised to point out deficiencies, if any, on receipt of information from the PIO/Respondent.

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Appeal Case No.3374 of 2018

The Appellant Shri Krishan Gopal Singla is absent without any intimation. Shri Gurcharan Singh Sandhu, Assistant Transport Officer, Sangrur come present today. He refers to the e.mail dated 03.04.2019 sent by the Secretary, Regional Transport Authority, Sangrur wherein it has been stated that since the information sought for relates to the year 2016, as such, it is taking time to collect the same. Therefore, he has requested for adjournment of the hearing to another date.

Accepting the request, the case is adjourned to next date of hearing. The PIO/ Respondent is, however directed to supply the information sought by the Appellant before the next date of hearing. The Appellant is also advised to point out deficiencies, if any, after receiving the information, to the PIO/Respondent by registered post.

Both the parties to come present on **29.05.2019 at 11.00 AM.**

Copies of orders be given to both the parties.

Dated:03.04.2019

Sd/-
(Sanjiv Garg)
State Information Commissioner,
Punjab

PUNJAB STATE INFORMATION COMMISSION

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Bench: Sh. Sanjiv Garg, State Information Commissioner, Punjab.



Shri Tarlochan Singh Sethi, Advocate
R/o 4/80, Dr.Nand Lal Street,
Railway Road, Doraha-141421
District Ludhiana.

...Appellant

Versus

Public Information Officer

O/o Executive Officer
Municipal Council, Doraha
District Ludhiana.

First Appellate Authority

O/o Executive Officer
Municipal Council, Doraha
District Ludhiana.

... Respondents

Appeal Case No.3332/2018

Present: Sh.Tarlochan Singh Sethi, Appellant is absent
Sh.Surinderpal Singh, Clerk, Municipal Council. Doraha
on behalf of PIO/Respondent.

ORDER:

The case was last heard on 12.02.2019. The Appellant Sh.Tarlochan Singh Sethi was absent. On behalf of PIO/ Respondent, Sh.Parminder Singh, Junior Engineer along with Sh. Surinder Pal, Clerk had come present.

The representative of PIO/Respondent Shri Parminder Singh had stated that the information had been sent to the Appellant by registered post on 05.02.2019. He had also submitted a copy of postal receipt vide which the information had been sent. He had submitted one copy of requisite information to the Court which had been taken on record.

Today, Sh.Tarlochan Singh Sethi, Appellant is absent without any intimation and as such, no statement could be recorded. On behalf of PIO/ Respondent, Shri Surinderpal Singh , Clerk comes present and states that the information had been sent by registered post on 05.02.2019.

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Appeal Case No.3332/2018

After discussing with the representative of PIO/Respondent and after going through the file, it is observed that the Appellant had been absent on last date of hearing and is absent without any intimation today also. On the last date, the Appellant was advised to point out deficiencies in the information received and he was given last opportunity to come present in person or through his representative, failing which the case would be decided on merits. The PIO/Respondent was also directed to supply the requisite information after removing the deficiencies pointed out by the Appellant.

Since the Appellant is absent without any intimation in spite of last opportunity given to him and he has also not pointed out any deficiencies in the information supplied to him, it is assumed that he is satisfied with the information supplied to him.

In view of above, the appeal is disposed of and the case is closed.

Copies of the orders be sent to the parties.

Sd/-

(Sanjiv Garg)

**State Information Commissioner,
Punjab**

Dated:03.04.2019

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Bench: Sh. Sanjiv Garg, State Information Commissioner, Punjab.



Sh.Tilak Raj

C/o Amritsar Cooperative Labour &
Construction Society Limited,
Albert Road, Amritsar.

...Appellant

Versus

Public Information Officer

O/o Executive Engineer
Construction Division No.2
PWD (B&R), Amritsar.

First Appellate Authority

O/o Superintending Engineer,
Construction Circle
PWD (B&R), Amritsar.

...Respondents

Appeal Case No.2752 of 2018

Present: Sh.Tilak Raj, Appellant is present.
Sh. Anurag Pushpam, Divisional Accounts Officer-I,
On behalf of PIO/Respondent.

ORDER:

The case was last heard on 12.02.2019. The Appellant Shri Tilak Raj had come present. On behalf of PIO/Respondent, Shri Anurag Pushpam, Divisional Accounts Officer had come present. He had handed over the requisite information to the Appellant during the proceedings of the court. However, the appellant, on going through the information, had stated that misleading, unattested and incomplete information had been provided to him.

After discussing with the parties and going through the case, it was observed that information relating to Points No.1 & 2 was misleading in nature and the information on Points No.3 & 4 was incomplete and unattested. The PIO/Respondent was directed to supply the requisite information with proper numbering, valid information and attested copy to the Appellant through registered post before the next date.

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Appeal Case No.2752 of 2018

The Court had taken a serious view of the misleading information and accordingly, due to wastage of valuable time of the Court as well as of the Appellant, compensation of Rs.2500/- had been awarded to be paid by the public authority concerned by way of cheque/demand draft in the name of Shri Tilak Raj.

The Appellant was also advised to go through the requisite information and point out deficiencies in written, if any, to the PIO/Respondent with a copy to the Commission.

Today, Sh. Anurgam Pushpam, representative of the PIO/Respondent comes present and hands over the cheque for compensation to the Appellant. He also hands over the requisite information to the Appellant and submits a copy of the same to the Court, which is taken on record.

Shri Tilak Raj, Appellant comes present today. On the asking of the court, he expresses satisfaction on the information supplied to him and also gives in writing to this effect.

In view of the above, the appeal is disposed of and the case is closed.

Copies of the orders be given to both the parties.

Dated:03.04.2019

Sd/-
(Sanjiv Garg)
State Information Commissioner,
Punjab

PUNJAB STATE INFORMATION COMMISSION

RED CROSS BUILDING, MADHYA MARG, SECTOR 16, CHANDIGARH.

Fax 0172-2864110 Phone No-0172-2864120

Email: psic31@punjabmail.gov.in Visit us - www.infocommpunjab.com

Bench: Sh. Sanjiv Garg, State Information Commissioner, Punjab.



Shri Surjit Singh Aujla

Village Aujla Dhak

PO Liddar Kalan

District Jalandhar.

...Complainant

Versus

Public Information Officer

O/o District Transport Officer

(Now Secretary,

Regional Transport Authority,

Jalandhar).

Complaint Case No.895 of 2018

**Present: Shri Surjit Singh Aujla, Complainant is absent.
None is present on behalf of the PIO/Respondent.**

ORDER:

The case was last heard on 12.02.2019. The Complainant Shri Surjit Singh Aujla was absent. Shri Kanwaljit Singh, Secretary, RTA-cum-PIO had come present. He had submitted letter No.1200 dated 11.02.2019 along with the requisite information to the Commission which had been taken record.

After discussing with the PIO and going through the file, the PIO/Respondent was advised to supply the requisite information to the Complainant through registered post. PIO/Respondent was also advised to appear in person or through any of his representative on the next date of hearing. The Complainant was also advised to point out deficiencies, if any, after receiving the information, through registered post and he was given last opportunity to appear in person or through his representative on the next date of hearing otherwise the case would be decided on merits.

Today, the Complainant is absent without any intimation. The PIO/Respondent is absent today, but an e-mail has been received on 02.04.2019 that the official concerned has to appear in the Court of Sessions Judge at Jalandhar in connection with his bailable warrants and as such, has requested for adjournment of the case to another date.

.....1/2

Complaint Case No.895 of 2018



On going through the case file, it is observed that a letter dated 08.03.2019 from the Appellant Sh.Surjit Singh Aujla is available in the file which is addressed to the Commission and copy sent to the PIO/Secretary, RTA, Jalandhar. **The complainant has informed vide this letter that he has received the complete information in this case and has also prayed for closure of the case.**

In view of the above, the complaint is disposed of and the case is closed.

Copies of the orders be sent to both the parties.

Sd/-

(Sanjiv Garg)

**State Information Commissioner
Punjab**

Dated:03.04.2019

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Bench: Sh. Sanjiv Garg, State Information Commissioner, Punjab.



Sh. Ramandeep Singh Ahluwalia,
Ward No 18, St. No -2, Kartar Nagar,
Amlah Road, Khanna-141401,
Distt Ludhiana.
M : 9417594553, 9464692553

...Appellant

Versus

Public Information Officer,
O/o Executive Officer,
Municipal Council,
Amlah Road, Khanna.

First Appellant Authority,
O/o Regional Dy. Director,
Urban Local Govt., Ludhiana

..... Respondents

Appeal Case No. 2207 of 2018

Present: The Appellant, Sh. Ramandeep Singh Ahluwalia is present.
Sh. Surinder Kumar Setia, Asstt. Municipal Engineer,
Municipal Council, Khanna
is present on behalf of Respondent/PIO.

ORDER:

The case was last heard on 13.02.2019. The appellant was present. On behalf of PIO/Respondent, Sh. Prem Singh, Junior Engineer was present on the last date and he had submitted authority letter given to him by the PIO/Executive Officer, Municipal Council, Khanna which was taken on record. The Appellant had come present on the last date. He was asked as to which of the deficiencies had been pointed out by to the PIO/Respondent. He had stated that he had pointed out the deficiencies on 19.12.2018 but on that day, he did not have the record of deficiencies pointed out by him to the PIO. Last opportunity was given to Appellant to point out the deficiencies in the information supplied to him, otherwise the case would be decided on merits.

...1/2



Appeal Case No. 2207 of 2018

Today, the Appellant Shri Ramandeep Singh Ahluwalia comes present. He states that he has not been provided information after removing deficiencies pointed out by him.

On behalf of PIO/Respondent, Shri Surinder Kumar Setia, Assistant Municipal Engineer comes present and produces authority letter which is taken on record. On the asking of the Court as to why the information has not been supplied after removing deficiencies, Shri Setia states that due to elections, he has been deployed as Media Incharge at Doraha and as such, he has been busy there. He further seeks time to call the appellant to visit Municipal Council, Khanna. As requested by Shri Setia, the Appellant is advised to visit office of PIO/ Respondent, Municipal Council, Khanna on 12.04.2019 to inspect the record and identify the information sought by him.

It is directed that Mr. Surinder Kumar Setia will ensure that the requisite record is inspected by the Appellant and necessary information is supplied to him. He will be personally responsible for the same, failing which penalty would be imposed.

The case is adjourned to next date of hearing which is fixed for **29.05.2019 at 11.00 AM.**

Both the parties to come present on the next date of hearing.

Copies of the orders be sent to both the parties.

Dated:03.04.2019

Sd/-
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Ward No 18, St. No -2, Kartar Nagar,
Amloh Road, Khanna-141401,
Distt Ludhiana.
M : 9417594553, 9464692553

...Appellant

Versus

Regd. Public Information Officer(By name),
O/o Executive Officer,
Municipal Council,
Amloh Road, Khanna.

Regd. First Appellant Authority,
O/o Regional Dy. Director,
Urban Local Govt., Ludhiana

.... Respondents

Appeal Case No.2208 of 2018

Present: The Appellant, Sh. Ramandeep Singh Ahluwalia is present.
Sh.Surinder Kumar Setia, Asstt. Municipal Engineer, Municipal Council,Khanna
is present on behalf of Respondent/PIO.

ORDER:

The case was last heard on 13.02.2019. The appellant was present. On behalf of PIO/Respondent, Sh. Prem Singh, Junior Engineer was present on the last date. He had submitted authority letter given to him by the PIO/Executive Officer, Municipal Council, Khanna which was taken on record.

On the last hearing, on being enquired. whether he had visited the O/o PIO/Respondent on 24.12.2018, the Appellant had stated that he had visited but on that day, he had been informed by the APIO Shri S.K. Setia that since his Clerk was not present on that day, so the required information cannot be given to him. The representative of PIO Sh.Prem Singh was asked to clarify in this regard, but he had shown his ignorance about the same. Serious view of the casual attitude of the PIO was taken.

In view of the above, a penalty of Rs.2500/- (Rupees two thousand five hundred only) was imposed on the concerned PIO/Respondent, O/o Executive Officer, Municipal Council, Khanna, District Ludhiana, which was to be deducted from the salary of the PIO and deposited in the Govt. Treasury under the relevant head.

PIO/Respondent was also directed to come in person and submit the proof of having deposited the penalty on the next date of hearing. PIO/Respondent was further directed to supply the remaining information before the next date of hearing. Copy of this order was also directed to be sent to him through registered post for his ready reference.

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Appeal Case No.2208 of 2018



The Appellant comes present today and states that he has not been provided any information. On behalf of PIO/Respondent, Shri Surinder Kumar Setia, Assistant Municipal Engineer comes present and produces authority letter which is taken on record. On the asking of the Court as to whether penalty amount has been deposited or not , he states that it is yet to be deposited.

It was further enquired from Mr.Setia as to why the information has not been supplied after removing deficiencies, Shri Setia states that due to elections, he has been deployed as Media Incharge at Doraha and as such, he has been busy there. He further seeks time to call the appellant to visit Municipal Council, Khanna. As requested by Shri Setia, the Appellant is advised to visit office of PIO/ Respondent, Municipal Council, Khanna on 12.04.2019 to inspect the record and identify the information sought by him.

Mr. Surinder Kumar Setia is directed to ensure that the requisite record is inspected by the Appellant and necessary information is supplied to him. He will be personally responsible for the same, failing which penalty would be imposed.

PIO/Respondent is directed to deposit the amount of penalty of Rs.2500/-. Apart from this, since the valuable time of the Court as well as of the Appellant has been wasted, **a compensation of Rs.2000/- (Rupees Two thousand only) is hereby awarded.** The compensation shall be paid by the public authority concerned by way of crossed cheque/demand draft in the name of Sh.Ramandeep Singh Ahluwalia (Appellant). The crossed cheque/demand draft shall be made from the bank account of the public authority concerned and not from the individual official. Respondent/ PIO is also directed to produce the copy of the crossed cheque/demand draft in the Commission on the next date of hearing to establish the fact that the order of the Commission has been complied with.

The case is adjourned to next date of hearing which is fixed for **29.05.2019 at 11.00 AM.**

Both the parties to come present on the next date of hearing.

Copies of the orders be sent to both the parties.

Dated:03.04.2019

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Ward No 18, St. No -2, Kartar Nagar,
Amlah Road, Khanna-141401,
Distt Ludhiana.
M : 9417594553, 9464692553

.....Appellant

Versus

Regd. Public Information Officer(By Name),
O/o Executive Officer,
Municipal Council,
Amlah Road, Khanna.

Regd. First Appellant Authority,
O/o Regional Dy. Director,
Urban Local Govt., Ludhiana

.... Respondents

Appeal Case No. 2209 of 2018

Present: The Appellant, Sh. Ramandeep Singh Ahluwalia is present.
Sh.Surinder Kumar Setia, Asstt. Municipal Engineer, Municipal Council, Khanna
is present on behalf of Respondent/PIO.

ORDER:

The case was last heard on 13.02.2019. The appellant was present. He had stated that no information had been provided to him. On behalf of PIO/Respondent, Sh. Prem Singh, Junior Engineer was present on the last date. He had submitted authority letter given to him by the PIO/Executive Officer, Municipal Council, Khanna which was taken on record.

On the last hearing, the representative of the PIO/Respondent, Shri Prem Singh had stated that the information had been supplied to the Appellant. But on being enquired as to which information had been supplied, he was unable to reply nor he was aware of the fact why the affidavit had not been submitted as had been directed on the previous date. He had also no such document to show the action taken against Shri Kewal Singh, Junior Engineer for not handing over the complete charge. Serious view of the casual attitude of the PIO was taken.

In view of the above, a penalty of Rs.2500/- (Rupees two thousand five hundred only) was imposed on the concerned PIO/Respondent, O/o Executive Officer, Municipal Council, Khanna, District Ludhiana, which was to be deducted from the salary of the PIO and deposited in the Govt. Treasury under the relevant head.

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Appeal Case No.2209 of 2018



PIO/Respondent was also directed to come in person and submit the proof of having deposited the penalty on the next date of hearing. PIO/Respondent was further directed to supply the remaining information before the next date of hearing. Copy of this order was also directed to be sent to him through registered post for his ready reference.

The Appellant comes present today and states that he has not been provided any information. On behalf of PIO/Respondent, Shri Surinder Kumar Setia, Assistant Municipal Engineer comes present and produces authority letter which is taken on record. On the asking of the Court as to whether penalty amount has been deposited or not, he states that it is yet to be deposited.

It was further enquired from Mr.Setia as to why the information has not been supplied after removing deficiencies, Shri Setia states that due to elections, he has been deployed as Media Incharge at Doraha and as such, he has been busy there. He further seeks time to call the appellant to visit Municipal Council, Khanna. As requested by Shri Setia, the Appellant is advised to visit office of PIO/ Respondent, Municipal Council, Khanna on 12.04.2019 to inspect the record and identify the information sought by him.

Mr. Surinder Kumar Setia is directed to ensure that the requisite record is inspected by the Appellant and necessary information is supplied to him. He will be personally responsible for the same, failing which penalty would be imposed.

PIO/Respondent is also directed to deposit the amount of penalty of Rs.2500/-. Apart from this, since the valuable time of the Court as well as of the Appellant has been wasted, **a compensation of Rs.2000/- (Rupees Two thousand only) is hereby awarded.** The compensation shall be paid by the public authority concerned by way of crossed cheque/demand draft in the name of Sh.Ramandeep Singh Ahluwalia (Appellant). The crossed cheque/demand draft shall be made from the bank account of the public authority concerned and not from the individual official. Respondent/ PIO is also directed to produce the copy of the crossed cheque/demand draft in the Commission on the next date of hearing to establish the fact that the order of the Commission has been complied with.

The case is adjourned to next date of hearing which is fixed for **29.05.2019 at 11.00 AM.**

Both the parties to come present on the next date of hearing.

Copies of the orders be sent to both the parties.

Dated:03.04.2019

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Sh. Ramandeep Singh Ahluwalia,
Ward No 18, St. No -2, Kartar Nagar,
Amlah Road, Khanna-141401,
Distt Ludhiana.
M : 9417594553, 9464692553

...Appellant

Versus

Regd. Public Information Officer(By Name),
O/o Executive Officer,
Municipal Council,
Amlah Road, Khanna.

Regd. First Appellant Authority,
O/o Regional Dy. Director,
Urban Local Govt., Ludhiana

..... Respondents

Appeal Case No. 2210 of 2018

Present: The Appellant, Sh. Ramandeep Singh Ahluwalia is present.
Sh.Surinder Kumar Setia, Asstt. Municipal Engineer, Municipal Council, Khanna
is present on behalf of Respondent/PIO.

ORDER:

The case was last heard on 13.02.2019. The appellant was present. He had stated that no information had been provided to him. On behalf of PIO/Respondent, Sh. Prem Singh, Junior Engineer was present on the last date. He had submitted authority letter given to him by the PIO/Executive Officer, Municipal Council, Khanna which was taken on record.

On the last hearing, on being enquired, whether he had visited the O/o PIO on 24.12.2018, the Appellant had stated that he had visited but on that day, he had been informed by the APIO Shri S.K. Setia that since his Clerk was not present on that day, so the required information cannot be given to him. The representative of PIO Sh.Prem Singh was asked to clarify in this regard, but he had shown his ignorance about the same as he didn't know anything about the case. Serious view of the casual attitude of the PIO was taken.

In view of the above, a penalty of Rs.2500/- (Rupees two thousand five hundred only) was imposed on the concerned PIO/Respondent, O/o Executive Officer, Municipal Council, Khanna, District Ludhiana, which was to be deducted from the salary of the PIO and deposited in the Govt. Treasury under the relevant head.

PIO/Respondent was also directed to come in person and submit the proof of having deposited the penalty on the next date of hearing. PIO/Respondent was further directed to supply the remaining information before the next date of hearing. Copy of this order was also directed to be sent to him through registered post for his ready reference.

...1/2



Appeal Case No. 2210 of 2018

The Appellant comes present today and states that he has not been provided any information. On behalf of PIO/Respondent, Shri Surinder Kumar Setia, Assistant Municipal Engineer comes present and produces authority letter which is taken on record. On the asking of the Court as to whether penalty amount has been deposited or not, he states that it is yet to be deposited.

It was further enquired from Mr.Setia as to why the information has not been supplied after removing deficiencies, Shri Setia states that due to elections, he has been deployed as Media Incharge at Doraha and as such, he has been busy there. He further seeks time to call the appellant to visit Municipal Council, Khanna. As requested by Shri Setia, the Appellant is advised to visit office of PIO/ Respondent, Municipal Council, Khanna on **05.04.2019** to inspect the record and identify the information sought by him.

Mr. Surinder Kumar Setia is directed to ensure that the requisite record is inspected by the Appellant and necessary information is supplied to him. He will be personally responsible for the same, failing which penalty would be imposed.

PIO/Respondent is also directed to deposit the amount of penalty of Rs.2500/-. Apart from this, since the valuable time of the Court as well as of the Appellant has been wasted, **a compensation of Rs.2000/- (Rupees Two thousand only) is hereby awarded.** The compensation shall be paid by the public authority concerned by way of crossed cheque/demand draft in the name of Sh.Ramandeep Singh Ahluwalia (Appellant). The crossed cheque/demand draft shall be made from the bank account of the public authority concerned and not from the individual official. Respondent/ PIO is also directed to produce the copy of the crossed cheque/demand draft in the Commission on the next date of hearing to establish the fact that the order of the Commission has been complied with.

The case is adjourned to next date of hearing which is fixed for **29.05.2019 at 11.00 AM.**

Both the parties to come present on the next date of hearing.

Copies of the orders be sent to both the parties.

Dated:03.04.2019

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Sh.Vaneet Chaudhary

S/o Sh.R.C. Chaudhary
119-120, Ranjit Nagar,
Opp. West End Mall,
Ferozepur Road, Ludhiana
(M-98140-21170)

....Complainant

Versus

Public Information Officer
O/o Executive Engineer,
Ludhiana Improvement Trust
Ludhiana

...Respondent

Complaint Case No.1094 of 2018

Present: Sh.Pankaj Jindal on behalf of complainant Sh.Vaneet Chaudhary
Sh.Harmeet Singh, APIO is present on behalf of PIO/Respondent

ORDER

The case was last heard on 26.03.2019. Shri Pankaj Jindal had come present on behalf of Shri Vaneet Chaudhary, Complainant. On behalf of PIO/Respondent, Shri Harmeet Singh, APIO had come present and had handed over information to the representative of complainant Sh.Pankaj Jindal during the proceedings of the Court. The representative of the complainant Sh.Pankaj Jindal had requested for some time to go through the information supplied to him.

After discussing with both the parties and going through the case file, the request of the complainant's representative was accepted and advised to point out deficiencies in written, after going through the information, to the PIO/ Representative through registered post. The PIO/Respondent and the complainant were also advised to appear in person or through their representative on the next date.

Today, the representative of representative of Complainant comes present and states that the as regards information provided at Points No.10 to 19, it is not clear as it is only written there that the record is not available. PIO/Respondent is directed clarify in the form of an affidavit as to whether this information didn't exist with the PIO/Respondent or it did exist but has been lost or destroyed now.

After discussing with the parties, it is also decided that the Complainant will visit the O/o PIO on **08.05.2019** to inspect records and to identify the information sought by him. The representative of PIO Shri Harmeet Singh will ensure the inspection of record by the Complainant on the stipulated date.

The case is adjourned to next date of hearing which is fixed for **29.05.2019 at 11.00AM.**

Both the parties to come present on the next date.

Copies of orders be given to both the parties.

Dated:03.04.2019

Sd/-
(Sanjiv Garg)
State Information Commissioner,
Punjab