



Sh Kuldeep Singh, S/o Sh Gurmail Singh,
R/o VPO Mansooran,
Tehsil & Distt Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o Secretary/President,
Local Gurdwara Parbandhak Committee,
Gurudwara Sahib Bahi Burha Ji, Village Mansooran,
Distt. Ludhiana.

First Appellate Authority,
O/o Secretary, SGPC,
Amritsar.

...Respondent

Appeal Case No. 5672 of 2021

PRESENT: Sh.Kuldeep Singh as the Appellant
Sh.Simarjit Singh, PIO for the Respondent

ORDER:

The appellant, through an RTI application dated 30.07.2021 has sought details of agricultural land in the name of Gurudwara Budha Sahib Mansura alongwith contract income in the year 2014-15 and the name of the contractor – details of the employees working in the Gurudwara from April 2014 to April 2021 – details of langar expenses for the years from 2014 to and other information as enumerated in the RTI application concerning the office of O/o Secretary, Local Gurdwara Parbandhak Committee Gurudwara Sahib Bahi Burha Ji, Village Mansooran, Distt.Ludhiana.

The appellant was not provided with the information, after which the appellant filed a first appeal before the first appellate authority on 13.09.2021, which took no decision on the appeal.

The case last came up for hearing on 06.06.2022 through video conferencing at DAC Ludhiana. As per the appellant, the PIO had not supplied the information.

The respondent was absent. There was nothing on record which shows that the RTI application has been attended to. There has been an enormous delay of more than ten months in attending to the RTI application. The Commission directed the PIO to explain the reasons for not attending to the RTI application within the time prescribed under the RTI Act and provide whatever information available to the appellant and send a compliance report to the commission.

Hearing dated 03.10.2022:

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

The respondent Sh.Simarjit Singh is present at DAC Bathinda and sought some more time to provide the information on the plea that some of the record has been received from the Local Gurudwara Committee, but as per the sought information, some of their record has been sent for audit. The respondent has assured to provide information within three weeks.

Appeal Case No. 5672 of 2021

The PIO is directed to provide information to the appellant within three weeks of the receipt of the order and send a compliance report to the Commission. If any of the information is not available, to file an appropriate reply.

The case is adjourned. To come up for further hearing on **19.12.2022 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Ludhiana.

Chandigarh
Dated: 03.10.2022

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh Jasbir Singh,
Guru Nansk Nagar, Village Bolapur Jhabewal,
P.O Ramgarh, Distt Ludhiana

... Appellant

Versus

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

First Appellate Authority,
O/o Director,
Health & Family Welfare,
Sector-34, Chandigarh.

...Respondent

Appeal Case No. 5014 of 2021

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

ORDER:

The appellant, through an RTI application dated 05.08.2021, has sought information on posts of food safety officers or food inspectors from the year 2010 – details of persons recruited and posts vacant – number of food safety officers working in districts of Punjab – posting detail of foods safety officer district-wise – complaints received against them and pending for enquiry and other information as enumerated in the RTI application from the office of Director Health and Family Welfare, Pb Chandigarh. The appellant was not provided with the information, after which the appellant filed a first appeal before the First Appellate Authority on 06.09.2021, which did not decide on the appeal.

The case last came up for hearing on 06.06.2022 through video conferencing at DAC Ludhiana. The appellant was present at Chandigarh and informed that the PIO had not supplied the information.

The respondent was absent. There was nothing on record which showed that the RTI application had been attended to by the PIO. There has been an enormous delay of more than nine months in attending to the RTI application. The Commission directed the PIO to **show cause why penalty be not imposed on him under section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time. He/she should file an affidavit in this regard.**

The PIO was again directed to provide whatever information is available in the record to the appellant within 10 days of the receipt of the order as per the RTI application.

Hearing dated 03.10.2022:

The case has come up for hearing today through video conferencing at DAC Ludhiana. The appellant claims that the PIO has not supplied the information.

The respondent is absent on 2nd consecutive hearing nor is represented as well as not filed a reply to the show cause notice.

The PIO is given one last opportunity to file a reply to the show cause notice and appear before the Commission personally on the next date of hearing otherwise, it will be presumed that the PIO has nothing to say on the matter and the Commission will take decision ex-parte. The PIO is directed to send the details of PIOs from the date of filing of the RTI application (Name of PIO – Period of stay – present posting).

The case is adjourned. To come up for further hearing on **19.12.2022 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Ludhiana. The PIO to appear at Chandigarh.

Chandigarh
Dated: 03.10.2022

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh Jasbir Singh,
Guru Nanak Nagar, Village Bolapur Jhabewal,
P.O Ramgarh, Distt Ludhiana

... Appellant

Versus

Public Information Officer,
O/o Commissioner,
Food & Drugs Administration,
Kharar, Distt MOhali.

First Appellate authority,
O/o Commissioner,
Food & Drugs Administration,
Kharar, Distt MOhali.

...Respondent

Appeal Case No. 5012 of 2021

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

ORDER:

The appellant, through an RTI application dated 12.08.2021, has sought information on 11 points relating to the joining date of Sh.Satnam Singh, Food Safety Officer, Amritsar- his first posting – documents attached with the application for recruitment – higher education if any, obtained by the officer after joining duty – a copy of the order/rule under which the officer was promoted –date of retirement with total salary –details of govt facilities and allowances provided - posting details after joining – complaints received against him and other information as enumerated in the RTI application from the office of Department of Social Security Pb Chandigarh. The appellant was not provided with the information, after which the appellant filed a first appeal before the First Appellate Authority on 13.09.2021, which did not decide on the appeal.

The case last came up for hearing on 06.06.2022 through video conferencing at DAC Ludhiana. The appellant was present at Chandigarh and informed that the PIO has not supplied the information.

The respondent was absent. There was nothing on record which shows that the PIO has attended to the RTI application. There has been an enormous delay of more than nine months in attending to the RTI application. The Commission directed the PIO to **show cause why penalty be not imposed on him under section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time. He/she should file an affidavit in this regard.** The PIO is again directed to provide whatever information is available in the record to the appellant within 10 days of the receipt of the order as per the RTI application.

Hearing dated 03.10.2022:

The case has come up for hearing today through video conferencing at DAC Ludhiana. The appellant claims that the PIO has not supplied the information.

The respondent is absent on 2nd consecutive hearing nor is represented as well as not filed a reply to the show cause notice.

The PIO is given one last opportunity to file a reply to the show cause notice and appear before the Commission personally on the next date of hearing otherwise, it will be presumed that the PIO has nothing to say on the matter and the Commission will take decision ex-parte. The PIO is directed to send the details of PIOs from the date of filing of the RTI application (Name of PIO – Period of stay – present posting).

The case is adjourned. To come up for further hearing on **19.12.2022 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Ludhiana. The PIO to appear at Chandigarh.

Chandigarh
Dated: 03.10.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
Ph: 0172-2864114, Email: - psicsic30@punjabmail.gov.in
Visit us: - www.infocommpunjab.com



Sh Surinderpal Singh, S/o Late Sh Babu Singh,
R/o 947, HIG, Jamalpur Colony,
Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o Food Safety Officer,
O/o Civil Surgeon,
Ludhiana.

First Appellate authority,
O/o Food Safety officer,
Ludhiana.

...Respondent

Appeal Case No. 5561 of 2021

PRESENT: None for the Appellant
None for the Respondent

ORDER:

The appellant, through an RTI application dated 07.06.2021, has sought information regarding the file related to the sealing of Chandan Chicken Shop on 31.05.2021 in Bhai Randhir Singh Nagar Block after a video got viral – a copy of the registration certificate of Chandan Chicken Shop and other information as enumerated in the RTI application from the office of Civil Surgeon -Ludhiana. The appellant was not provided with the information, after which the appellant filed a first appeal before the First Appellate Authority on 23.07.2021, which did not decide on the appeal.

The case last came up for hearing on 06.06.2022 through video conferencing at DAC Ludhiana. Both parties were absent.

Having gone through the record, the Commission observed that there has been an enormous delay of one year in attending to the RTI application. The Commission having taken a serious view of this, directed the PIO to **show cause why penalty be not imposed on him under section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time. He/she should file an affidavit in this regard.** The PIO was again directed to provide information to the appellant as per the RTI application within 15 days of receiving the order with a copy to the Commission.

Hearing dated 03.10.2022:

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

The order dated 06.06.2022 sent to the appellant at the given address has been received back with the remarks of the postal authority "No such person at this address".

The PIO is given one more opportunity to file a reply to the show cause notice and appear personally on the next date of hearing otherwise it will be presumed that the PIO has nothing to say on the matter and the Commission will take an ex-parte decision. The PIO is directed to send the details of PIOs from the date of filing of the RTI application (Name of PIO – Period of stay – present posting).

Appeal Case No. 5561 of 2021

The appellant is also directed to appear personally on the next date of the hearing.

To come up for further hearing on **19.12.2022 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Ludhiana.

Chandigarh
Dated: 03.10.2022

Sd/-
(Khushwant Singh)
State Information Commissioner



Ms. X D/o Late Sh Rajinder Singh,
VPO Paddi Jagir, Tehsil Phillaur,
Jalandhar.

... Appellant

Versus

Public Information Officer,
O/o Civil Hospital,
Jalandhar.

First Appellate Authority,
O/o Civil Hospital,
Jalandhar.

...Respondent

Appeal Case No. 5004 of 2021

PRESENT: None for the Appellant
None for the Respondent

ORDER:

The appellant, through an RTI application dated 09.06.2021, has sought information on 06 points regarding a copy of admission form of Rajinder Singh s/o Nirmal Singh, patient of art center & de-addiction center – medical record/all test reports/ medicines record/ prescription slip and other information as enumerated in the RTI application from the office of Civil Surgeon, Jalandhar. The appellant was not provided with the information after which the appellant filed a first appeal before the First Appellate Authority on 17.07.2021, which did not decide on the appeal.

The case last came up for hearing on 07.06.2022 through video conferencing at DAC Jalandhar. The respondent present pleaded that the Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (Prevention & Control Act, 2017), Ministry of Law and Justice via Gazette notification chapter No.4 clearly states that no person shall be compelled to disclose the HIV status except by order of a court that the disclosure of such information is necessary in the interest of justice for the determination of issues in the matter before it. Hence the information cannot be provided, and the reply has already been sent to the appellant vide letter dated 20.08.2021.

The appellant was absent. The case was adjourned.

Hearing dated 03.10.2022:

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

Having gone through the record, the Commission observes that Ms.Jagroop Kaur is the widow of the deceased person about whom she is seeking information. This commission observes that there is no way to deny the information, as for all practical purposes, the appellant being the wife,would be the deceased person's representative for any other purpose required by law.

Moreover, in the X Vs Hospital Z, 1999 AIR(SC) 495, the Hon'ble Supreme Court held that it was open to the hospital or the doctor concerned to reveal the information regarding HIV positive status to persons related to the girl whom the HIV positive person intended to marry as she had right to be informed. In the present case, the applicant is comparatively at a better footing as she is a widow and legal representative of her deceased husband.

Moreover, Section 22 of the RTI Act is **to have an overriding effect, it states the following.** —The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Official Secrets Act, 1923 (19 of 1923), and any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

Since no exemption has been sought under the provisions provided under the RTI Act, this information cannot be denied.

Given the above reasons, the sought information be provided immediately.

The case is adjourned. To come up for compliance on **29.11.2022 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Jalandhar.

Chandigarh
Dated: 03.10.2022

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh Yashpal Kundal,
R/o Village Lohgarh Kothe,
P.O & Tehsil Dinanagar,
Distt Gurdaspur.

..... Appellant

Versus

Public Information Officer,
O/o District Food and Supply Controller,
Gurdaspur.

First Appellate Authority,
O/o Deputy Director,
Food Supply Field Jalandhar Division,
Jalandhar.

...Respondent

Appeal Case No. 2779 of 2021

PRESENT: None for the Appellant
Ms.Ritu Mahajan, AFSO for the Respondent

ORDER:

The appellant, through an RTI application dated 17.11.2020, has sought information regarding blue cards issued in village and city Dinanagar under FSO Smt.Ritu Mahajan from 01.04.2017 to 30.09.2020 and other information as enumerated in the RTI application concerning the office of District Food Civil Supply Controller, Gurdaspur. The appellant was not satisfied with the reply of the PIO dated 08.01.2021, after which the appellant filed a first appeal before the First Appellate Authority on 15.01.2021, which did not decide on the appeal.

The case first came up for hearing on 11.01.2022 through video conferencing at DAC Gurdaspur. The appellant claimed that the PIO had not supplied the information.

The respondent was absent. Since the reply of the PIO dated 08.01.2021 was not in tandem with the sought information, the PIO was issued a **show cause notice under section 20 of the RTI Act 2005 and directed to file a reply on an affidavit.** The PIO was again directed to relook at the RTI application and provide information to the appellant within 15 days of receiving the order.

On the date of the hearing on **30.05.2022**, due to the non-working of the VC at DAC Gurdaspur, the hearing could not take place.

The Commission received a letter dated 25.03.2022 through email from the PIO stating that in compliance with the order of the Commission, complete information has been supplied to the appellant vide letter dated 14.03.2022, and the appellant has acknowledged having received the information. The respondent also sent a copy of the appellant's acknowledgement, which was taken on record.

The PIO, however, did not file a reply to the show cause notice. The PIO was given one last opportunity to file a reply to the show cause notice; otherwise, it will be presumed that the PIO has nothing to say on the matter, and the Commission will proceed as per the provisions of section 20 of the RTI Act.

On the date of last hearing on **16.06.2022**, the Commission received a reply to the show cause notice from the PIO, which was taken on record. The Commission was not satisfied with the show-cause reply as there is no real evidence on the reasons for the delay in providing the information. As per the record, the RTI application was filed on 17.11.2020, whereas the

information had been supplied to the appellant on 14.03.2022 with a delay of more than one year and two months. Moreover, the reply was from the AFSSO and not from the PIO.

As per the respondent, the following were the PIOs from the date of filing of RTI application:

Name of PIO	Period of stay	Present posting
- Sh.Himanshu Kakkar	26.03.2020 to 01.04.2021	Hoshiarpur
- Sh.S.Devgan	07.04.2021 to 16.09.2021	Head Office Chandigarh
- Sh.Himanshu Kakkar	17.09.2021 to 05.10.2021	Hoshiarpur
- Sh.Sanjay Sharma	06.10.2021 to 09.04.2022	Head Office Chandigarh
- Sh.Sukhjinder Singh	10.04.2022 to 06.06.2022	Sri Mukatsar Sahib
- Sh.Gurpreet Singh Kang	06.06.2022 till date	

From the above, it was clear that Sh. Himanshu Kakkar was the PIO when the RTI application was filed (17.11.2020), and the violation of section 7 of the RTI Act took place during his term as the PIO. Sh.Himanshu Kakkar-PIO-cum-DFSC Hoshiarpur(earlier PIO-cum-DFSC Gurdaspur) was issued a **show cause under section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time and directed to file reply on an affidavit.**

Further Sh.Sanjay Sharma was the PIO (from 06.10.2021 to 09.04.2022) when the show cause was issued on 11.01.2022, but did not file a reply to the show cause notice. Sh.Sanjay Sharma is given one last opportunity to file a reply to the show cause notice.

Hearing dated 03.10.2022:

The case has come up for hearing today through video conferencing at DAC Gurdaspur. The respondent informed that Sh.Himanshu Kakkar and Sh.Sanjay Sharma has sent their reply to the Commission through email.

Sh.Himanshu Kakkar and Sh.Sanjay Sharma are absent. The Commission has received a reply of Sh.Himanshu Kakkar, PIO-cum-DFSC Hoshiarpur(earlier PIO-cum-DFSC Gurdaspur) and reply of Sh.Sanjay Sharma which has been taken on record.

Sh.Himanshu Sharma in his reply stated since the information related to AFSSO Dinanagr, the RTI application was forwarded to them on 09.12.2020. The AFSSO Dinanagar asked the appellant to deposit a fee of Rs.9500-10000 for 4800-5000 pages vide letter dated 08.01.2021, thereafter, the deponent transferred to Ferozepur on 01.04.2021 and that AFSSO Dinanagar was also in charge of distribution seat in Distt.office Gurdaspur. Further Department of Food and Supply was given the duty to distribute food items to the poor in Pandemic Covid-19, curfew passes to shopkeepers apart from other basic administrative functions, hence the information was delayed.

Sh.Sanjay Sharma has mentioned in the reply that the complete information was provided to the appellant on 14.03.2022 during his tenure, however, could not file a reply to the show cause notice being engaged in election duty in the 2022 assembly election (appointed as Liaison Officer to Hon'ble Election Commission of India). Further, the Rabi season was commenced from 01.04.2022 and the deponent being the nodal officer of State Procurement Agencies in the district got busy in making arrangements, co-ordination amongst agencies.

The case is adjourned. To come up for further hearing on **16.11.2022 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Gurdaspur.



Sh Sukhchain Singh, S/o sh Gurcharan Singh,
R/o Gurur Teg Bahadur Nagar,
Ward No-1, Tarn Taran.

... Appellant

Versus

Public Information Officer,
O/o Punjab State Women Commission,
Punjab, SCO-5, Phase-1, Mohali.

First Appellate Authority,
O/o Chief Minister,
Punjab, Civil Secretariat,
Sector-1, Chandigarh.

...Respondent

Appeal Case No. 927 of 2022

PRESENT: None for the Appellant
None for the Respondent

ORDER:

The appellant, through an RTI application dated 18.09.2021 has sought information regarding action taken on email dated 26.07.2021 (being reply in reference to the office letter No.489 dated 20.07.2021) relating to a false complaint and other information as enumerated in the RTI application from the office of Punjab State Women Commission, Pb Mohali. The appellant was not provided with the information, after which the appellant filed a first appeal before the First Appellate Authority on 29.10.2021, which did not decide on the appeal.

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

The case is adjourned. To come up for further hearing on **24.01.2023 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, TarnTaran. The PIO to appear at Chandigarh.

Chandigarh
Dated: 03.10.2022

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh Tejinder Singh,
Advocate, Civil Court,
Tehsil Complex, Backside Sanjh Kender,
Phillaur.

... Appellant

Versus

Public Information Officer,
O/o Civil Surgeon,
Tarn Taran.

First Appellate Authority,
O/o Civil Surgeon,
Tarn Tararn.

...Respondent

Appeal Case No. 819 of 2022

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

ORDER:

The appellant, through an RTI application dated 23.05.2021 has sought information regarding the order of the Hon'ble Health Minister for filing FIR against the persons appointed on fake documents as well as against Dr.Anup Kumar(Retd) for not doing duties alongwith complete file relating to this case as enumerated in the RTI application from the office of Civil Surgeon Tarn taran. The appellant was not provided with the information, after which the appellant filed a first appeal before the First Appellate Authority on 20.11.2021, which did not decide on the appeal.

The case has come up for hearing today through video conferencing at DAC Tarn Taran/Ludhiana. The respondent is absent.

The appellant is present and informed that the PIO vide letter dated 13.09.2022 has denied the information stating that the enquiry report has been sent to Director of Health.

There is nothing on record which shows that the RTI application has been attended to by the PIO within the stipulated time. There has been an enormous delay of more than one year and four month in attending to the RTI application. The Commission has taken a serious view of this and hereby directs the PIO to **show cause why penalty be not imposed on him under section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time. He/she should file an affidavit in this regard.** If there are other persons responsible for the delay in providing the information, the PIO is directed to inform such person(s) of the show cause and direct them to appear before the Commission along with the written replies.

To come up for further hearing on **24.01.2023 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, TarnTaran. The appellant to appear at DAC Ludhiana.

Sd/-

Chandigarh
Dated: 03.10.2022

(Khushwant Singh)
State Information Commissioner



Sh Amandeep Singh, Advocate,
District Courts Complex,
Pathankot.

... Appellant

Versus

Public Information Officer,
O/o District Food Supply Controller,
Pathankot.

First Appellate Authority,
O/o Director,
Food Supplies & Consumer Affairs,
Sector 39-C, Chandigarh.

...Respondent

Appeal Case No. 1065 of 2022

PRESENT: Sh.Amandeep Singh as the Appellant
Sh.Ashok Kumar, Inspector for the Respondent

ORDER:

The appellant, through an RTI application dated 15.09.2021 has sought information regarding copies of the site plan of 18 number brick kilns as enumerated in the RTI application from the office of District Food Supply Controller, Pathankot. The appellant was not provided with the information, after which the appellant filed a first appeal before the First Appellate Authority on 25.10.2021, which did not decide on the appeal.

The case has come up hearing today through video conferencing at DAC Pathankot.

As per the respondent, the information has been provided to the appellant vide letter dated 04.08.2022.

The appellant has received the information.

Having gone through the record, the Commission observes that the RTI application was filed on 15.09.2021 whereas the information has been supplied on 04.08.2022 with a delay of more than ten months even after issue of Commission's notice. The Commission has taken a serious view of this and hereby directs the PIO to **show cause why penalty be not imposed on him under section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time. He/she should file an affidavit in this regard.** If there are other persons responsible for the delay in providing the information, the PIO is directed to inform such person(s) of the show cause and direct them to appear before the Commission along with the written replies.

To come up for further hearing on **21.11.2022** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Pathankot.

Chandigarh
Dated: 03.10.2022

Sd/-
(Khushwant Singh)
State Information Commissioner