



Sh Yogesh Mahajan S/o Sh Kuldeep Raj Mahajan,
Opposite Water Tank,
Municipal Market, Mission road,
Pathankot.

Appellant

Public Information Officer,
O/o XEN,
Water Supply and Sanitation,
Division No-1, Bathinda.

First Appellate Authority,
O/o SE,
Water Supply and Sanitation Circle,
Bathinda.

..... Respondent

Appeal Case No. 1268 of 2020

PRESENT: None for the Appellant
Sh.Parminster Singh Suptd. O/o Water Supply-Div.I for the Respondent

ORDER:

The appellant through RTI application dated 0.01.2020 has sought information regarding grants received/utilized in division from 07.01.2019 to 06.01.2020 –copies of comparative statements approved by competent authority for works by e-tendering/online – work by tender/offline undertaken – sanction letter issued for work of CSR to all SDE from the office of Executive Engineer, W/S & Sanitation Division No.1, Bathinda. The appellant was not provided the information after which the appellant filed first appeal before the First Appellate Authority on 05.02.2020 which took no decision on the appeal.

The case first came up for hearing on 28.09.2020 through video conferencing at DAC Bathinda. The appellant was absent and vide email informed that the PIO has not provided the information.

The respondent present asked for a week's time to provide the complete information.

The PIO was directed to provide the information to the appellant within a week and send a compliance report to the Commission.

Hearing dated 03.11.2020:

The case has come up for hearing today through video conferencing at DAC Bathinda. The appellant vide email has informed that the PIO has not provided the information.

At the last hearing, Sh.Manpreet Singh, Xen Division No.1 appeared and sought a week's time to provide the complete information. The PIO was directed to provide the information within a week and send a compliance report to the Commission.

Appeal Case No. 1268 of 2020

The PIO is absent nor has complied with the earlier order of the Commission. The respondent present has again asked for some more time to provide the information. The Commission sees this act of asking for continuous adjournments as delay in information by the PIO.

The Commission has taken a serious view of this dereliction 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 persons of the show cause and direct them to appear before the Commission along with the written replies.

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

To come up for further hearing on **05.01.2021 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Bathinda.

Chandigarh
Dated 03.11.2020

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh Yogesh Mahajan S/o Sh Kuldeep Raj Mahajan,
Opposite Water Tank,
Municipal Market, Mission road,
Pathankot.

Appellant

Public Information Officer,
O/o XEN,
Water Supply and Sanitation,
Division No-3, Bathinda.

First Appellate Authority,
O/o SE,
Water Supply and Sanitation Circle,
Bathinda.

..... Respondent

Appeal Case No. 1276 of 2020

PRESENT: None for the Appellant
None for the Respondent

ORDER:

The appellant through RTI application dated 06.01.2020 has sought information regarding works undertaken/carried out in Sub Divisions i) Bhagta Phika 2) Mour 3) Bathinda – work order book of all sub divisions – comparative statements for which no tender called, from the office of Executive Engineer, W/S & Sanitation Division No.3, Bathinda. The appellant was not provided the information after which the appellant filed first appeal before the First Appellate Authority on 05.02.2020 which took no decision on the appeal.

The case first came up for hearing on 28.09.2020 through video conferencing at DAC Bathinda.

The respondent present pleaded that the information has been provided to the appellant vide letter dated 03.03.2020. The appellant was absent and vide email informed that the PIO has not provided the information.

The PIO was directed to resend the information to the appellant within a week with a copy to the Commission.

Hearing dated 03.11.2020:

The case has come up for hearing today through video conferencing at DAC Bathinda. The appellant vide email has informed that the PIO has not provided the information. The respondent is absent.

Earlier order stands. The PIO is directed to comply with the earlier order of the Commission which still stands and provide the information to the appellant within a week with a copy to the Commission and explain the reasons for delay in providing the information.

The case is adjourned. To come up for further hearing **05.01.2021 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Bathinda.

Sd/-

Chandigarh

Dated 03.11.2020

(Khushwant Singh)

State Information Commissioner



Sh Yogesh Mahajan S/o Sh Kuldeep Raj Mahajan,
Opposite Water Tank,
Municipal Market, Mission road,
Pathankot.

Appellant

Public Information Officer,
O/o XEN,
Water Supply and Sanitation,
Division No-3, Bathinda.

First Appellate Authority,
O/o SE,
Water Supply and Sanitation Circle,
Bathinda

..... Respondent

Appeal Case No. 1278 of 2020

PRESENT: None for the Appellant
None for the Respondent

ORDER:

The appellant through RTI application dated 06.01.2020 has sought information regarding grants received/utilized in division from 07.01.2019 to 06.01.2020 –copies of comparative statements approved by competent authority for works by e-tendering/online – work by tender/offline undertaken – sanction letter issued for work of CSR to all SDE from the office of Executive Engineer, W/S & Sanitation Division No.3, Bathinda. The appellant was not provided the information after which the appellant filed appeal before the First Appellate Authority on 05.02.2020 which took no decision on the appeal.

The case first came up for hearing on 28.09.2020 through video conferencing at DAC Bathinda. The respondent present pleaded that some of the information has been provided to the appellant and remaining will be sent within a week.

The appellant was absent and vide email informed that the PIO has not provided the information. The PIO was directed to provide complete information to the appellant within a week and send a compliance report to the Commission.

Hearing dated 03.11.2020:

The case has come up for hearing today through video conferencing at DAC Bathinda. The appellant vide email has informed that the PIO has not provided the complete information. The respondent is absent.

Earlier order stands. The PIO is directed to comply with the earlier order of the Commission which still stands and provide the information to the appellant within a week with a copy to the Commission and explain the reasons for delay in providing the information.

The case is adjourned. To come up for further hearing on **05.01.2021 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Bathinda.

Chandigarh
Dated 03.11.2020

Sd/-
(Khushwant Singh)
State Information Commissioner

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Smt. Rupinder Kaur, W/o
Late Sh. Joginder Singh,
C-27, Civil Lines,
Bathinda.

..... Complainant

Versus

Public Information Officer,
O/o Commissioner, MC,
Bathinda.

..... Respondent

Complaint Case No. 155 of 2020

PRESENT: None for the Appellant
Sh. Avtar Singh, Building Inspector, MC Bathinda for the Respondent

ORDER:

The complainant through RTI application dated 04.10.2019 has sought information regarding details of property No.C-28 MC No.MCB Z-2-09103 Civil Line Bhatinda – map approved for the purpose of residential/commercial/school and other information concerning the office of Commissioner, MC Bhatinda. The complainant was not provided the information after which the complainant filed complaint in the Commission on 05.02.2020.

The case first came up for hearing on 03.09.2020 through video conferencing at DAC Bhatinda. The complainant claimed that the PIO had denied the information. The complainant further informed that since a school named Little Kingdom Nursery School is being run in her neighbour, she wants to prove if any permission has been granted by the competent authority.

The respondent was absent. The Commission received an email from the PIO stating that the appellant was asked to specify the file number and date but the complainant did not specify the same. Further the information sought was in question form.

The PIO had denied the information on two grounds;

- i) Had asked to specify;
- ii) That it is personal information and cannot be provided under section 8(1)

Having gone through the case the Commission found that there is a larger public interest involved in this particular RTI application. As much as I agree that the personal information such as building plan etc. of other party should not be shared, Section 10 of the RTI Act however, gives the benefit in cases where there is disclosable and non-disclosable information on the same page.

Given the above, the PIO was directed to provide that part of the information which denotes the purpose of which the map has been sanctioned and severe rest of the information.

Hearing dated 03.11.2020:

The case has come up for hearing today through video conferencing at DAC Bathinda. The respondent present pleaded that since the information sought by the appellant is personal information, it cannot be provided. This view of the respondent holds no merit as the Commission has already passed an order to provide the information.

Complaint Case No. 155 of 2020

The Commission also observes that there has been an enormous delay in attending to the RTI application and even the PIO has not complied with the earlier order of the Commission by not supplying the information. 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 persons of the show cause and direct them to appear before the Commission along with the written replies.

The PIO is directed to provide the information as per the earlier order of 03.09.2020 within a week from the receipt of this order.

To come up for further hearing on **05.01.2021 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Bhatinda.

Chandigarh
Dated 03.11.2020

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sector 16, Chandigarh.
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Sh. Baljinder Singh, S/o Sh.Darshan Singh,
Daan Singh Nagar, Gali No-1,
Back Side Guru Nanak Public School,
Goniana Mandi, Distt.Bathinda.

Versus

.....Appellant

Public Information Officer,
O/o EO, MC, Goniana Mandi,
Distt.Bathinda.

First Appellate Authority,
O/o Joint Deputy Director,
Local Govt, Mini Secretariat,
Bathinda.

.....Respondent

Appeal Case No. 537 of 2020

PRESENT: None for the Appellant
None for the Respondent

ORDER:

The appellant RTI application dated 13.11.2019 has sought information regarding details of workers recruited on contract – their salary and post – approval for setting up of a Gym and other information concerning the office of EO-MC Goniana Mandi. The appellant was provided the information after which the appellant filed first appeal before the First Appellate Authority on 18.12.2019. Thereafter, the PIO sent reply to the appellant vide letter dated 31.12.2019 stating that the information sought is in question form, it cannot be provided. The First appellant authority also disposed off the appeal on 03.01.2020 directing the PIO to provide the information as per the RTI Act within time.

The case first come up for hearing on 03.09.2020 through video conferencing at DAC Bhatinda. The respondent present pleaded that the information has been supplied to the appellant on 02.07.2020 with a copy to the Commission. The respondent informed that when the RTI application was filed, no private or contractual worker was employed. The respondent further informed that no grant was received for setting up of a gym.

The PIO was directed to give this in writing on an affidavit with a copy to the Commission.

Hearing dated 03.11.2020:

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

Earlier order stands. The case is adjourned.

To come up for further hearing on **05.01.2021 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Bhatinda.

Sd/-

Chandigarh
Dated:03.11.2020

(Khushwant Singh)
State Information Commissioner

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Sh. Baljinder Singh, S/o Sh. Darshan Singh,
Daan Singh Nagar, Gali No-1,
Back Side Guru Nanak Public School,
Goniana Mandi, Distt. Bathinda.

.....Appellant

Versus

Public Information Officer,
O/o EO, MC, Goniana Mandi
Distt Bathinda.

First Appellate Authority,
O/o Joint Deputy Director,
Local Govt, Mini Secretariat,
Bathinda.

.... Respondent

Appeal Case No. 538 of 2020

PRESENT: None for the Appellant
None for the Respondent

ORDER:

The appellant RTI application dated 29.10.2019 has sought information regarding details of clerks promoted from the post of peon and the documents submitted by them in NC Goniana Mandi and other information concerning the office of EO-MC Goniana Mandi. The appellant was provided the information after which the appellant filed first appeal before the First Appellate Authority on 02.12.2019. Thereafter, the PIO sent reply to the appellant vide letter dated 31.12.2019 stating that the information sought is in question form, it cannot be provided. The First appellant authority also disposed off the appeal on 03.01.2020 directing the PIO to provide the information as per the RTI Act within time.

The case first came up for hearing on 03.09.2020 through video conferencing at DAC Bhatinda. The respondent present pleaded that the information has been supplied to the appellant on 02.07.2020 with a copy to the Commission. The respondent informed that Sh. Sita Ram and Sh. Subhash Chander were promoted as clerk from the post of peon and the documents submitted by them to the office had been supplied to the appellant.

The appellant stated that the information has been provided with a delay of more than ten months.

Having gone through the record, the Commission observed that the PIO had earlier denied the information and provided the sought information after PIO received the notice of the Commission. The reply of denial of information was sent by the PIO on 31.12.2019.

At the First Appellate level, while disposing off the appeal, no instruction had been passed except an observation that the PIO should attend the RTI applications in its true spirit of the RTI Act and himself attend such hearings in future.

Having gone through the facts of the case, it was observed that the PIO had tried to stonewall the information. From the facts on the file, the intention of the PIO was clear i.e. not to provide the information.

Appeal Case No. 538 of 2020

Given the facts, the PIO was issued a **show cause notice under Section 20 of the RTI Act 2005 and directed to file reply on an affidavit.**

Hearing dated 03.11.2020:

The case has come up for hearing today through video conferencing at DAC Bathinda. Both the parties are absent. The PIO has also not filed reply to the show cause notice issued at the last hearing for delay in providing the information.

Earlier order stands. The PIO is 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 in the matter and the Commission will act as per provisions of section 20 of the RTI Act against the PIO.

To come up for further hearing on **05.01.2021 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Bhatinda.

Chandigarh
Dated 03.11.2020

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh.Satpal Goyal,
H No 102, Model Town,
Phase-1, Bathinda.

... Appellant

Versus

Public Information Officer,
O/o EO, BDA,
Bathinda.

First Appellate Authority,
O/o Addl, Chief Administrator,
BDA, Bathinda.

.....Respondent

Appeal Case No. 2102 of 2019

PRESENT: Sh.SatpalGoyal as the Appellant
None for the Respondent

ORDER:

The case was first heard on 22.10.2019. The appellant claimed that the PIO has not provided the information. The respondent was absent. The PIO was directed to provide the information to the appellant as per RTI Act within 15 days and send a compliance report to the Commission. The PIO was also directed to explain the reasons for not attending to the RTI application within the time prescribed under the RTI Act.

The case was again heard on **23.12.2019**. The appellant informed that the PIO has not provided the information. The respondent was absent on 2nd consecutive hearing. The PIO was issued a show **cause notice under Section 20 of the RTI Act 2005 and directed to file a reply on an affidavit**. The PIO was again directed to provide the information to the appellant within 10 days of the receipt of this order.

The case was again heard on **16.06.2020** through video conferencing at DAC Bhatinda. Ms.Saloni, clerk O/o EO-BDA appeared on behalf of the PIO and pleaded that the information has been provided to the appellant vide letter dated 10.01.2020. The appellant was not satisfied and stated that the information is incomplete. Having gone through the RTI application and hearing both the parties, the following was concluded:

- | | | |
|-----------|---|--|
| - Point-1 | - | To relook and reply appropriately – if the information is not available, to give in writing that no other reward is available. |
| - Point-2 | - | Provided during the hearing |
| - Point-3 | - | Provided |
| - Point-4 | - | PIO to relook and send complete reply |
| - Point-5 | - | Provided |

The respondent did not bring reply to the show cause notice. The PIO was absent. The respondent pleaded that when the RTI was filed, Sh.Amarjit Singh was the PIO who has since retired.

However, the Commission was of the view that the appellant had to suffer undue inconvenience to get the information, the PIO was directed to pay an amount of **Rs.5000/-** via demand draft drawn through Govt. Treasury as compensation to the appellant for the loss and detriment suffered by him of having to file the appeals and not getting information in time. The PIO was directed to duly inform the Commission of the compliance of the order and submit proof of having compensated the appellant. The PIO was also directed to provide the remaining information to the appellant within 10 days.

On the date of last hearing on **03.09.2020** which was held through video conferencing at DAC Bathinda, the appellant claimed that the PIO neither provided the complete information nor had paid compensation amount as per order of the Commission. The respondent was absent nor had sent any reply to the show cause notice.

On the date of hearing on 23.12.2019, the PIO was absent and a show cause notice was issued to the PIO for not supplying the information and directed to file a reply to the show cause notice. However, during the hearing of 16.06.2020, the respondent appeared on behalf of the PIO informed that when the RTI was filed, Sh.Amarjit Singh was the PIO who has retired. The present PIO was absent.

The present PIO-cum-EO, BDA was again absent nor had complied with the order of the Commission.

Keeping the above-mentioned facts of the case, the present PIO-EO, BDA was issued **show cause notice under Section 20 of the RTI Act 2005 for not complying the order of the Commission and directed to file reply on an affidavit.**

Since the PIO was continuously absents from appearance, his next absence would lead to a warrant being issued to secure his presence.

Hearing dated 03.11.2020:

To come up for further hearing on **03.11.2020 at 02.00 PM** through video conference facility available in the office of Deputy Commissioner, Bhatinda. The appellant claims that the PIO has not provided the remaining information nor has paid the compensation amount as per order of the Commission.

The respondent is absent nor has sent any reply to the show cause notice issued on 03.09.2020. As per information from the BDA through email and in appeal case No.2018 of 2019, Sh.Udaydeep Singh Sidhu, PCS was the EO-cum-PIO for the period from Jan.2019 to July,2019 and Sh.Vinod Bansal, PCS from 1.10.2019 to Dec.2019 and presently Sh.Amrinder Singh Tiwana, PCS is the PIO from 29.07.2020 to till date. As per information, Sh.Vinod Kumar Bansal was to retire on 30.09.2020. However, there is no information on who was the PIO when the RTI application was filed.

From the above, it is clear that Sh.Amrinder Singh Tiwana is the PIO when the last show cause was issued on 03.09.2020. However, the PIO is again absent nor has sent any reply to the show cause notice.

Sh.Amrinder Singh Tiwana, PIO-BDA Bathinda is given one last opportunity to file reply to the show cause notice otherwise it will be presumed that the PIO has nothing to say in the matter and the Commission will act as per provisions of the RTI Act against the PIO.

To come up for further hearing on **05.01.2021 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Bathinda