

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden, Sector 16, Chandigarh
Ph: 0172-2864114, Email: - psicsic30@punjabmail.gov.in
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Sh. Bittu S/o Sh Om Kumar,
Village Bholapur Jhabewal,
P.O Ramgarh, Distt Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o District Controller,
Food Civil Supplies and Consumer Affairs,
Sarabha Nagar, Ludhiana.

First Appellate Authority,
O/o Director,
Food Civil Supplies and Consumer Affairs
Sector-17-E, Chandigarh.

...Respondent

Appeal Case No. 105 of 2021

PRESENT: None for the Appellant
None for the Respondent

ORDER:

The appellant through an RTI application dated 30.09.2020 has sought information regarding certified copies of documents submitted by Sh.Bhola Tati, Arjun Tati, Rukmani Devi, Angad Kumar, Raja Kumar, residents of Bholapur for getting smart cards/blue cards – verification report of verification officer – category relating to these cards - - rules for issue of smart cards and other information as enumerated in the RTI application concerning the office of District Controller, Food Civil Supply & Consumer Affairs, Pb Sarabha Nagar, Ludhiana. The appellant was not provided with the information after which the appellant filed the first appeal before the First Appellate Authority on 02.11.2020 which took no decision on the appeal.

The case first came up for hearing on 13.05.2021 through video conferencing at DAC, Ludhiana. Since the VC had been temporarily closed by the District Administration due to a large number of corona cases in Ludhiana, the hearing could not take place and the case was adjourned.

On the date of last hearing on **17.08.2021**, both the parties were absent.

Having gone through the record, the Commission observed that there has been an enormous delay of more than eleven months in attending to the RTI application. The PIO was issued a **show cause notice 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.** The PIO was again directed to provide information to the appellant within 10 days of the receipt of the order.

Hearing dated 03.11.2021:

The case has come up for hearing today through video conferencing at DAC Ludhiana. Both the parties are absent on 3rd consecutive hearings. The appellant vide letter received in the Commission on 09.09.2021 has informed that the PIO has not supplied the information.

Appeal Case No. 105 of 2021

The PIO has also not filed any reply to the show cause notice. The PIO 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 against the PIO as per provisions of section 20 of the RTI Act.

The appellant is also directed to appear on the next date of hearing to pursue his case.

To come up for further hearing on **15.03.2022** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Ludhiana.

Chandigarh
Dated 03.11.2021

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh. Pankaj Kumar S/o Late Sh. Vijay Kumar Malhotra,
R/o B-34/6516, Sunil Nagar,
Near Pehalwan da Dera, Jassian Road,
Haibowal Kalan, Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o Punjab Health Systems Corporation,
PSEB Building, E-Block, 2nd Floor,
Phase-8, Mohali.

First Appellate Authority,
O/o Punjab Health Systems Corporation,
PSEB Building, E-Block, 2nd Floor,
Phase-8, Mohali.

... Respondent

Appeal Case No. 193 of 2021

PRESENT: Sh.Pankaj Kumar as the Appellant
Sh.Gurjaswinder Singh, Procurement officer for the Respondent

ORDER:

The appellant through an RTI application dated 11.09.2020 has sought information regarding details of machinery purchased by the Health Department from 01.01.2015 till date along with bills of machinery and name of suppliers – details of medicines purchased along with bills and suppliers details and other information as enumerated in the RTI application concerning the office of Punjab Health System Corporation, Mohali. The appellant was not satisfied with the reply of the PIO dated 19.10.2020 after which the appellant filed the first appeal before the First Appellate Authority on 23.10.2020 which took no decision on the appeal.

The case last came up for hearing on 13.05.2021 through video conferencing at DAC, Ludhiana. Since the VC had been temporarily closed by the District Administration due to a large number of Corona cases in Ludhiana, the hearing could not take place. The case was adjourned.

On the date of last hearing on **17.08.2021**, as per the appellant, the PIO had not supplied the information.

As per the respondent, the information sought was very voluminous and would divert the resources of the department since the appellant had asked for information from the year 01.01.2015 till date.

Having gone through the RTI application and hearing both the parties, the PIO was directed to provide information to the appellant from 01.01.2017 till the date of filing of the RTI application, and send a compliance report to the commission.

Hearing dated 03.11.2021:

The case has come up for hearing today through video conferencing at DAC Ludhiana/Mohali. The respondent present pleaded that since the information is voluminous, the appellant was asked vide letter dated 22.10.2021 to deposit requisite fee of Rs.34700/- (Rs.29000/- for 14500 pages plus Rs.5700/- as postal charges (for 75 kg wt @Rs.76/- per kg) but the appellant has not deposited the same.

Appeal Case No. 193 of 2021

The appellant wants to file a reply against the fee demanded by the PIO.

The appellant is directed to send a reply and appear on the next date of hearing to pursue his case.

The case is adjourned. To come up for further hearing on **15.03.2022** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Ludhiana. The PIO to appear through VC at DAC Mohali.

Chandigarh
Dated 03.11.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh. Pankaj Kumar S/o Late Sh. Vijay Kumar Malhotra,
R/o B-34/6516, Sunil Nagar,
Near Pehalwan da Dera, Jassian Road,
Haibowal Kalan, Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o Punjab Health Systems Corporation,
PSEB Building, E-Block, 2nd Floor,
Phase-8, Mohali.

First Appellate Authority,
O/o Punjab Health Systems Corporation,
PSEB Building, E-Block, 2nd Floor,
Phase-8, Mohali.

... Respondent

Appeal Case No. 207 of 2021

PRESENT: Sh.Pankaj Kumar as the Appellant
Sh.Rajesh Kumar, Cashier A/c Department for the Respondent

ORDER:

The appellant through an RTI application dated 11.09.2020 has sought information regarding details of medicines issued to Health department Ludhiana from 01.01.2017 till date along with details of consumption of medicines by Health department Ludhiana – funds consumed by Health department Ludhiana – balance sheet from 01.04.2017 to 31.03.2018, 01.04.2018 to 31.03.2019, 01.04.2019 to 31.03.2020 and other information as enumerated in the RTI application concerning the office of Punjab Health System Corporation, Mohali. The appellant was not provided with the information after which the appellant filed the first appeal before the First Appellate Authority on 23.10.2020 which took no decision on the appeal.

The case last came up for hearing on 13.05.2021 through video conferencing at DAC, Ludhiana. Since the VC had been temporarily closed by the District Administration due to the large number of corona cases in Ludhiana, the hearing could not take place. The case was adjourned.

On the date of last hearing on **17.08.2021**, as per the appellant, the PIO had not supplied the information.

The respondent present informed that since the information related to the office of Civil Surgeon Ludhiana, the RTI application had been transferred to them on 28.05.2021.

The PIO-Civil Surgeon Ludhiana was impleaded in the case and directed to look at the RTI application transferred by the office of Punjab Health System Corporation, Pb Mohali on 28.05.2021 and provide the information to the appellant as per available record and send a compliance report to the commission.

Hearing dated 03.11.2021:

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

The respondent present pleaded that they have sent the information to the PIO- Civil Surgeon Ludhiana. As per respondent, Dr.Manu Vij is the PIO O/o Civil Surgeon, Ludhiana.

Appeal Case No. 207 of 2021

The PIO-Civil Surgeon Ludhiana is absent on 2nd consecutive hearing nor has complied with the order of the Commission to provide the information. There has been an enormous delay of more than one year in providing the information. The Commission has taken a serious view of this and hereby directs Dr.Manu Vij-PIO-Civil Surgeon Ludhiana 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.

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

The case is adjourned. To come up for further hearing on **15.03.2022** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Ludhiana.

**Chandigarh
Dated 03.11.2021**

**Sd/-
(Khushwant Singh)
State Information Commissioner**

**CC to:PIO-Civil Surgeon,
Civil Hospital, Ludhiana**



Sh.Kamaljit Singh,
Chamber No-5014, 5th Floor,
Lawyer Chamber Complex, Part-II,
Distt Courts, Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o Chief Medical officer,
Civil Lines, Ludhiana.

First Appellate Authority,
O/o Chief Medical Officer,
Civil Lines, Ludhiana.

...Respondent

Appeal Case No. 231of 2021

PRESENT: None for the Appellant
Sh.Rajesh Kumar, Cashier A/c Deptt. for the Respondent

ORDER:

The appellant through an RTI application dated 08.08.2020 has sought information regarding a copy of the complete audit report for the years 2015-16,2016-17, 2017-18 & 2018-19 of the CMO office along with entire documents/annexures attached with the report and other information as enumerated in the RTI application concerning the office of Chief Medical Officer, Ludhiana. The appellant was not provided with the information after which the appellant filed the first appeal before the First Appellate Authority on 18.09.2020 which took no decision on the appeal.

The case last came up for hearing on 13.05.2021 through video conferencing at DAC, Ludhiana. Since the VC had been temporarily shut down by the District Administration due to the large number of corona cases in Ludhiana, the hearing could not take place. The case was adjourned.

On the date of last hearing on **17.08.2021**, the appellant claimed that the PIO has not supplied the information.

The respondent was absent on the 2nd consecutive hearing nor had supplied the information. The PIO was directed to provide the information to the appellant within 15 days of the receipt of the order, otherwise the commission will be constrained to proceed against the PIO as per the provisions of Section 20 of the RTI Act.

Hearing dated 03.11.2021:

The case has come up for hearing today through video conferencing at DAC Ludhiana. The respondent present pleaded that they have sent the information to the PIO-CMO Ludhiana for providing the same to the appellant.

The appellant is absent nor is represented.

The case is adjourned. To come up for further hearing on **15.03.2022** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Ludhiana.

Chandigarh
Dated 03.11.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh.Davinder Kumar, S/o Sh Lt Sh Ram Murti,
VPO Sidhwan Bet, Tehsil Jagraon,
Distt. Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o Principal Secretary,
Local Government,
Sec-35-A, Pb, Chandigarh.

First Appellate Authority,
O/o Principal Secretary,
Local Government,
Sec-35-A, Pb, Chandigarh.

...Respondent

Appeal Case No. 471 of 2020

PRESENT: None for the Appellant
Sh.Yadvinder Singh, APIO-Improvement Trust Ludhiana for the
Respondent

ORDER: Facts of the case:-

The appellant through RTI application dated 12.09.2019 has sought information on 7 points regarding speaking order passed on 14.06.2019 by Principal Secretary Local Government for the rate of alternative plots acquired for the commercial project known as City Centre Ludhiana and other information concerning the office of Principal Secretary, Local Govt. Punjab. The appellant was not provided with the information after which the appellant filed first appeal before the First appellate Authority on 20.11.2019 which took no decision on the appeal.

The case was first heard on 17.08.2020. The appellant claimed that despite his visit to the office of the PIO thrice and meeting & requesting the PIO, the information was not provided. The respondent was absent. The PIO was directed to provide whatever information is available within 15 days as per the RTI application and send a compliance report to the Commission.

Since there has been an enormous delay of more than eleven months in attending to the RTI application, the PIO was issued a show cause notice **under Section 20 of the RTI Act 2005 and directed to file reply on an affidavit.**

That on the date of hearing on **09.09.2020**, the respondent present pleaded that the information on points 1 & 2 has been provided to the appellant vide letter dated 16.10.2019 and since the information regarding points 3 to 7 relates to the Improvement Trust, Ludhiana, the RTI application was transferred to them under section 6(3) of the RTI Act.

The appellant was absent. The respondent from Improvement Trust was also absent. The PIO-cum-Executive Officer, Improvement Trust, Ludhiana was impleaded in the case and directed to look at the RTI application transferred by the department of Local Govt on 16.10.2019 and provide the information to the appellant within 15 days. The decision on show cause notice was to be taken on the next date of hearing.

That on the date of hearing on **22.03.2021**, the respondent present from the office of Local Govt informed that the information concerning them (points 1 & 2) has already been provided on 16.10.2020. As per appellant, he had not received the information. The respondent submitted a copy of the information to the Commission which was taken on the file of the Commission. A copy of the same was sent to the appellant alongwith the order.

That the respondent present from Improvement Trust Ludhiana informed that the information relating to points 4 to 7 has been sent to the appellant vide letter dated 16.12.2020. The appellant was not satisfied with the information relating to point 3, 6 & 7.

Hearing both the parties, the appellant was advised to inspect the record on 24.03.2021 at 12.00 noon in the office of Improvement Trust Ludhiana and get the relevant information. The PIO-improvement Trust was directed to allow inspection of the record and provide the relevant information to the appellant as per the provisions of the RTI Act.

The PIO-Local Govt. did not file a reply to the show-cause notice. The PIO was directed to file a reply to the show cause before the next date of hearing

That on the date of last hearing on **08.07.2021**, the respondent present from the office of the Local Govt. Chandigarh informed that the information concerning them has already been provided and for the remaining information, the RTI application was transferred to Improvement Trust, Ludhiana vide letter dated 16.10.2019. The respondent further informed that he has already sent a reply to the show-cause notice.

Having gone through the reply received in the Commission on 06.04.2021, the plea of the PIO-Local Govt. Pb Chandigarh was accepted and the show cause was dropped.

The appellant was absent and vide email dated 29.06.2021 has informed that after completing the inspection on 24.03.2021, he received a telephonic message from the office of Improvement Trust only on 28.06.2021 stating that the information is ready and the appellant may collect the same. However, on his visit at 2.30 PM to the office of Improvement Trust, it was told that the information had been sent through a speed post.

The respondent from the office of Improvement Trust Ludhiana was absent and vide letter received in the office on 06.07.2021 informed that the information has been sent to the appellant on 28.06.2021 through speed post.

The Commission observed that the delay had occurred on the part of the PIO-Improvement Trust, Ludhiana since the RTI application was transferred by the Local Govt. Department on 16.10.2019 whereas the information has been provided on 28.06.2021 with a delay of more than eight months. The PIO-Improvement Trust, Ludhiana 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.**

Hearing dated 03.11.2021:

The case has come up for hearing today through video conferencing at DAC Ludhiana. The respondent present from the office of Improvement Trust Ludhiana informed that the information has already been provided to the appellant.

The PIO-Improvement Trust Ludhiana is absent nor has sent any reply to the show cause notice. As per the respondent, Smt.Kuljeet Kaur is the PIO-cum-EO Improvement Trust Ludhiana.

Appeal Case No. 471 of 2020

Since the responsibility to ensure the timely transmission of the information to the appellant lies on the PIO, the PIO-Improvement Trust, Ludhiana is hereby held guilty for not providing the information on time as prescribed under section 7, which is within 30 days of the receipt of the request. She is also held guilty of repeated defiance of the orders of the Punjab State Information Commission to provide the information. Moreover, the PIO has chosen not to reply to the show cause, which can be inferred that the PIO has nothing to say on the matter.

Hence, given the above facts a penalty of **Rs.10,000/-** is imposed on Smt.Kuljeet Kaur, PIO-Improvement Trust, Ludhiana, which will be deposited in the Govt. Treasury. The PIO is directed to duly inform the Commission about the compliance of the orders by producing a copy of the challan as evidence of depositing the penalty in the Govt Treasury.

To come up for further hearing on **15.03.2022 at 11.00 AM** through a video conference facility available in the office of Deputy Commissioner, Ludhiana.

Chandigarh
Dated 03.11.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to PIO-Executive Officer,
Improvement Trust, Ludhiana



Sh.Sukhdhir Singh, Head Teacher,
Block-Mangat-2, Ludhiana.
R/o H No-4, BabaNand Singh Nagar,
Basant Avenue Dugri,
Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o DEO (EE),
Ludhiana.

First Appellate Authority,
O/o DEO (EE),
Ludhiana.

...Respondent

Appeal Case No. 847 of 2020

PRESENT: None for the Appellant
Sh.Kuldeep Singh, Dy. DEO for the Respondent

ORDER:

That the appellant through RTI application dated 06.09.2019 has sought information regarding observations /objections of DEO(EE) Ludhiana about his case on the state awards for the years 2018-19 & 2019-20, any objection if any, statement of complainant, enquiry report of the enquiry officer and other information concerning the office of DEO(EE) Ludhiana. The appellant was not provided with the information after which the appellant filed a first appeal before the First Appellate Authority on 01.01.2020 which took no decision on the appeal. After filing first appeal, the PIO sent a reply to the appellant vide letter dated 05.02.2020. On being not satisfied with the reply, the appellant filed a second appeal in the Commission.

The case first came up for hearing on **24.08.2020**. Due to a network problem, the VC could not take place. The appellant was present at Chandigarh and informed that the PIO has not supplied the information as per the RTI application.

Having gone through the reply, the Commission observed that the reply was incomplete and without application of mind. The PIO was then directed to provide the information as per the RTI application. It was also stated that should the PIO seek any exemption to not provide the sought information, the PIO should give a speaking order using the exemptions provided under the RTI Act..

The Commission further observed that there had been an enormous delay in attending to the RTI application. Taking a serious view of this, the PIO was issued a **show-cause notice under Section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time and directed to file a reply on an affidavit.**

On the date of the last hearing on 22.03.2021, (1) Smt.Sukhbir Kaur, the PIO in this case was absent, nor had she filed any reply to the show-cause notice. (2) She was being represented by her colleague, who, however, was not the PIO in this particular case and had no authority letter to represent the PIO in this case. (3)The said information had not been provided.

Since the PIO had neither provided the information on time as prescribed under section 7, which is within 30 days of the receipt of the request nor had replied to the show cause, it was presumed that the PIO has nothing to say on the matter.

Given the facts of the case, a penalty of **Rs.10,000/-** was imposed upon Smt. Sukhbir Kaur, PIO-DEO(EE) Ludhiana which was to be deposited in the Govt. Treasury. The PIO-DEO(EE) was directed to duly inform the Commission of the compliance of the orders by producing a copy of the challan justifying the deposition of the penalty in the Govt Treasury.

On the date of last hearing on **08.07.2021**, the PIO had not deposited the amount of penalty. The PIO was given one last opportunity to deposit the amount of penalty and submit proof of having deposited the penalty amount in the Govt. Treasury.

Hearing dated 03.11.2021:

The case has come up for hearing today through video conferencing at DAC Ludhiana. Smt.Sukhbir Kaur, PIO-DEO(EE) Ludhiana is absent nor has sent any proof of having deposited the amount of penalty in the government treasury. However, she has informed via vide email that the information was to be provided by PIO-cum-District Coordinator, Smagra Siksha Abhiyan Ludhiana and they have already provided the information to the appellant vide letter dated 23.06.2021. She has requested to reconsider the decision of penalty imposed for non-supply of information.

Sh.Kuldeep Singh, Dy.DEO(EE) is present and informed that Smt.Sukhbir Kaur has been transferred and now posted as Suptd. o/o DEO(SE) Moga.

Since the order has already been passed after hearing all the facts, Smt.Sukhbir Kaur is given one last opportunity to deposit the amount of penalty and submit a copy of challan as a proof of having deposited the amount of penalty in the Govt. Otherwise the Commission will be constrained to recommend disciplinary action against the PIO under section 20(2) of the RTI Act for non-compliance of the order of the Commission.

To come up for compliance on **15.03.2022 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Ludhiana.

Chandigarh
Dated 03.11.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to :1. Director General School Education,Pb
Mohali.

2. Smt.Sukhbir Kaur, Suptd.
O/o DEO(SE) Moga
(Earlier PIO-DEO(EE) Ludhiana)



Sh.Lakhvir Singh, S/o Sh.Harbans Singh,
Village Gharkhana, P.O Manki ,
Tehsil Samrala, Distt Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o Water Supply and Sanitation Deptt,
Phase-2,Pb, Mohali.

First Appellate Authority,
O/o Water Supply and Sanitation Deptt,
Phase-2, Pb, Mohali.

...Respondent

Appeal Case No. 778 of 2020

PRESENT: None for the Appellant
None for the Respondent

ORDER: Facts of the case:-

The appellant through RTI application dated 10.10.2019 has sought information regarding permission granted for cultivating the land around the water tank, income from that cultivation to the department and other information concerning the office of Water Supply and Sanitation Department, Punjab Mohali. The appellant was not provided with the information after which the appellant filed a first appeal before the First Appellate Authority on 28.11.2019 which took no decision on the appeal.

On the date of the first hearing on 24.08.2020, the respondent present pleaded that since the water supply scheme is being looked after by the concerned Municipal Committee and the chairman of concerned gram panchayat, the information is not available with them and the reply has been sent to the appellant vide letter dated 11.08.2020. The respondent was directed to procure the information from the concerned Sarpanch/Municipal Committee and provide to the appellant.

On the date of the next hearing on **22.03.2021**, the appellant claimed that the PIO has not provided the information. The Respondent was absent nor had complied with the order of the Commission. There had been an enormous delay of more than one year and five months in providing the 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 provide information to the appellant within 15 days of the receipt of this order.

On the date of last hearing on 08.07.2021 the respondent was absent on 2nd consecutive hearing nor had filed a reply to the show-cause notice as well as not provided the information.

Since the PIO-Water Supply and Sanitation Division, Pb Mohali was flouting the spirit of the RTI Act continuously and not only shown utter disregard for the Commission's repeated orders to provide the information but has shown willful stubbornness in not replying to the Show Cause and not appearing before the commission despite various orders, to secure an erring PIO's presence before the commission, a bailable Warrant of the PIO-Water Supply and Sanitation Division, Pb Phase-2, Mohali was issued u/s 18(3) of the RTI Act through Senior Superintendent of Police, Mohali for his presence before the Commission on 03.11.2021.

Appeal Case No. 778 of 2020

Hearing dated 03.11.2021:

The case has come up for hearing today. The respondent PIO is again absent nor is represented.

Since the PIO-Water Supply and Sanitation Division, Pb Mohali is flouting the spirit of the RTI Act continuously and not appearing before the commission despite various orders as well as issuance of bailable warrants issued on 08.07.2021, to secure an erring PIO's presence before the commission, a fresh bailable Warrant of the PIO-Water Supply and Sanitation Division, Pb Phase-2, Mohali is issued u/s 18(3) of the RTI Act through Senior Superintendent of Police, Mohali for his presence before the Commission on **27.12.2021**.

To come up for further hearing on **27.12.2021 at 11.00 AM**. The appellant to appear through VC at DAC Ludhiana.

Chandigarh
Dated: 03.11.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to SSP Mohali

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

In case:Lakhvir Singh V/s Public Information Officer, Water Supply and
Sanitation Division, Pb, Phase-2, Mohali

APPEAL CASE NO. 778 of 2020

UNDER SECTION 18 OF THE RIGHT TO INFORMATION ACT, 2005

Next Date of Hearing :**27.12.2021**

To

**The Senior Superintendent of Police,
Mohali**

Whereas The PIO- O/o Water Supply and Sanitation Division, Punjab, Phase-2, Mohali has failed to appear before the State Information Commissioner, Punjab despite the issuance of notice/summon in the above mentioned appeal case. Therefore, you are hereby directed to serve this bailable warrant to the PIO- O/o Water Supply and Sanitation Division, Punjab, Phase-2, Mohali to appear before the undersigned at Red Cross Building, Near Rose Garden, Sector 16, Chandigarh on **27.12.2021 at 11.00 A.M.**

**Chandigarh
Dated: 03.11.2021**

**(Khushwant Singh)
State Information Commissioner**



Sh. Ujjagar Singh, S/o Late Sh Bant Singh,
R/o Street NO-1, Maan Colony,
Daba, Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o Chairman,
Punjab State Scheduled Caste Commission,
Pb, Chandigarh.

First Appellate Authority,
O/o Chairman,
Punjab State Scheduled Caste Commission,
Pb, Chandigarh.

...Respondent

Appeal case No.3556 of 2020

PRESENT: None for the Appellant
Sh.Tarsem Singh, ASI for the Respondent

ORDER:

The appellant through RTI application dated 11.08.2020 has sought information regarding notices issued to the persons for appearing before the Committee constituted for conducting an enquiry on application registered to vide No.594 of 2020 – their statements action taken report and other information as enumerated in the RTI application from the office of Punjab State Scheduled Castes Commission. The appellant was not provided with the information after which the appellant filed the first appeal before the First Appellate Authority on 14.09.2020 which took no decision on the appeal.

The case first came up for hearing on 30.03.2021 through video conferencing at DAC Ludhiana. The appellant was absent and vide email informed that the PIO has not provided the information.

The respondent was absent. Having gone through the record, the Commission observes that there has been an enormous delay in attending to the RTI application. The PIO was directed to explain the reasons for the delay in providing the information and appear personally before the Commission on the next date of hearing along with a suitable reply.

On the date of last hearing on **08.07.2021**, the appellant informed that the PIO has not supplied the information.

The respondent present pleaded that they received the RTI application on 08.09.2020 and since the enquiry was pending with the Director Bureau of Investigation, Punjab Chandigarh, the reply was sent to the appellant on 21.09.2020. The respondent further informed that they have already written to the Director of the Bureau of Investigation to complete the enquiry and send the enquiry report to them. As per the respondent, they have communicated the same vide letters dated 26.04.2020, 13.07.2020 & 18.05.2021.

From the facts of the case, it appeared that the information is in the custody of the Director of the Bureau of Investigation. Hence, the PIO-Director of Bureau of Investigation, Punjab, Chandigarh was impleaded in the case and directed to provide whatever information is available on the record, to the appellant. A copy of the RTI application was sent along with the order for reference.

Hearing dated 03.11.2021:

The case has come up for hearing today through video conferencing at DAC Ludhiana/Mohali.

The Commission has received a letter from the office of Punjab State SC Commission on 23.07.2021 vide which it has been informed that a copy of report received from the Director Bureau of Investigation, Punjab has been sent to the appellant vide letter dated 06.07.2021 and the appellant has been asked to send a replication if any in writing in the office of SC Commission before 17.08.2021 so as to take a final decision on the matter.

The respondent present from the office of Bureau of Investigation informed that the appellant has also filed a similar appeal case No.3296 of 2001 for seeking exactly the same information which is pending with the Chief Information Commissioner for final decision. The respondent is directed to send a copy of RTI in appeal case No.3296 of 2021 and a copy of order of Chief Information Commissioner so as to enable the Commission to take a final decision.

The appellant is absent nor is represented. The appellant is directed to appear before the Commission on the next date of hearing to pursue his case.

To come up for further hearing on **15.03.2022 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Ludhiana. The PIO-Punjab SC Commission and Bureau of Investigation to appear through VC at DAC Mohali.

**Chandigarh
Dated: 03.11.2021**

**Sd/-
(Khushwant Singh)
State Information Commissioner**

**CC to :PIO-Director of Bureau of Investigation,
Pb, Sector 9, Chandigarh.**



Sh Kharaiti Lal Narang,
H No-B-XXI-12066, Street No-26,
Ram Nagar, Main Market,
Near Sangeet Cinema, Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o SSP,
Ferozepur.

First Appellate Authority,
O/o SSP,
Ferozepur.

...Respondent

Appeal Case No. 3828 of 2020

PRESENT: Sh.Kharaiti Lal Narang as the Appellant
Sh.Sukhdev Singh, ASI for the Respondent

ORDER:

The appellant through RTI application dated 20.11.2019 has sought information regarding inspection of record relating to the application dated 19.07.2019 filed in the office of Principal Secretary Home, which remained pending for two months without any further action and other information as enumerated in the RTI application from the office of Principal Secretary Home which transferred the same to Director General of Police Punjab vide letter dated 21.11.2019. The RTI application was further transferred to Assistant Inspector General of Police(Crime) Pb Chandigarh on 28.11.2019 which again transferred the same to SSP Ferozepur on 10.12.2019. The appellant was not provided with the information after which the appellate filed the first appeal before the First Appellate Authority on 23.01.2020 which took no decision on the appeal.

The case last came up for hearing on 04.08.2021 through video conferencing at DAC Faridkot. The Commission received a reply of the PIO on 07.04.2021 which was taken on the file of the Commission.

The respondent present pleaded that the RTI application was received by their office from the office of AGIP (Crime) on 13.12.2019 and since the complaint was pending with DCP(City)Ferozepur for action, the appellant was informed of the same vide letter dated 31.12.2019. Now the enquiry has been completed on 16.02.2021 and the information has been sent to the appellant vide letter dated 18.02.2021.

The appellant was not satisfied and stated that he wanted to inspect the file in which his original application dated 19.07.2019 lies and remained unattended for two months. As per the respondent, no original copy of the application was available in their office since they received only a copy of the application and the original may be in the office of DGP office at Chandigarh.

Appeal Case No. 3828 of 2020

The PIO-SSP, Ferozpur was directed to trace out the original application by coordinating with the DGP office and ensure the inspection of that particular file in which the original document of the appellant lies. If the application is missing, file a complete status report on the matter.

Hearing dated 03.11.2021:

The case has come up for hearing today through video conferencing at DAC Ferozpur/Ludhiana. As per respondent, the information has already been provided and no further information is available in their record. The respondent further informed that the appellant had filed a complaint in the office of Department of Home, which marked it to the DGP and thereafter, and only a photo copy of complaint came to their office (SSP Ferozpur). The original copy of the complaint is not available in their office.

The appellant wants to inspect the original record.

Since the complaint was filed in the office of Department of Home, Pb, the PIO O/o Principal Secretary, Home Affairs & Justice, Pb is impleaded in the case and directed to reply on the matter and trace the original letter that the applicant had filed on 19.07.2019. A copy of the letter is being enclosed for easier perusal of the matter.

To come up for further hearing on **15.03.2022 at 11.00 AM**. The appellant to appear through VC at DAC Ludhiana.

Chandigarh
Dated: 03.11.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to PIO-O/o Principal Secretary,
Home Affairs & Justice, Pb
Chandigarh.