

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
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Sh. Surinder Singh, S/o Sh. Harbans Singh,
R/o H NO-81, Phase-1, Urban Estate,
Dugri Road, Ludhiana.

... Appellant

Versus

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

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

... Respondent

Appeal Case No. 1868 of 2020

PRESENT: Sh. Surinder Singh, the Appellant
Sh. Swaranjit Singh, Sr. Assistant, O/o DEO(EE) Ludhiana for the
Respondent

ORDER:

The appellate through the RTI application dated 12.03.2020 has sought information on 25 points regarding demolition of walls in District Education Offices Ludhiana – the name of the branch – date and time of demolition – inspecting officer – names and number of labourers deployed and other information as enumerated in the RTI application concerning the office of DEO(EE) Ludhiana. The appellant was not provided the information after the appellant filed the first appeal before the First Appellate Authority on 27.05.2020 which took no decision on the appeal.

The case was first heard on **08.02.2021** through video conferencing at DAC Ludhiana. The appellant claimed that the PIO has neither provided the information nor has responded to the RTI application. The respondent was absent. The PIO was directed to provide whatever information is available on record point-wise and send a compliance report to the Commission.

Since there has been an enormous delay of more than ten 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 15 days of the receipt of this order.

The case came up for hearing again on **25.05.2021**. Due to a network problem in the VC, the hearing could not take place and the case was adjourned.

On the date of hearing on **26.05.2021**, **as per** appellant, the information was not provided. As per respondent, the information was not available in their record and the reply was sent to the appellant vide letter dated 19.04.2021 with a copy to the Commission.

Having gone through the RTI application and hearing both the parties, the PIO was directed to provide whatever documentation is available on record. If no information exists, as claimed by the PIO, the PIO was directed to send a suitable reply to the appellant on an affidavit with a copy to the Commission.

Regarding the delay in attending to the RTI application, the respondent pleaded that the delay occurred on the part of the earlier PIO Mrs. Rajinder Kaur who had since retired on 31.03.2021, but the case should be disposed of as there was no information available to provide to the appellant. It was made clear that even if there was no information available, the PIO did not attend to the RTI application as prescribed under the rules. Not providing information within 30 days, or any reply is treated as a refusal to provide information, which as per the facts on the file is the status of this RTI application. Thus this was a fit case to impose a penalty as prescribed under Section 20 of the RTI Act.

However, since the PIO responsible for this delay had retired, the show cause was dropped but it was amply clear that the appellant to collect the information has had to suffer an undue inconvenience.

Given the above, The Commission found the case fit for awarding compensation to the appellant u/s 19(8)(b) of the RTI Act. and directed the PIO-DEO(EE), Ludhiana to pay an amount of **Rs.3000/-** via demand draft as compensation to the appellant **and** submit proof of having compensated the appellant.

The case last came up for hearing on **20.09.2021** through video conferencing at DAC Ludhiana. As per respondent, the compensation amount has been paid to the appellant vide demand draft (bearing No.240654 dated 08.09.2021 drawn on State Bank of India) on 08.09.2021 with a copy to the Commission.

The appellant was absent.

The PIO had however, not complied with the order of the Commission to either provide the information as available on record or to send a suitable reply to the appellant on an affidavit with a copy to the Commission.

The PIO was given one last opportunity to comply the earlier order of the Commission and provide whatever documentation is available on record. If no information exists, the PIO was directed to send a suitable reply to the appellant on an affidavit with a copy to the Commission.

Hearing dated 04.08.2022 :

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

The respondent present stated that in pursuance of the Commission's previous order, compensation amount of Rs.3000/- has been sent the appellant via demand draft No.240654 dated 08.09.2021 vide their letter A-08-RTI/2005/2021310840 dated 08.09.2021 by registered post.

The appellant confirmed that he has received compensation DD of Rs.3000/- and original affidavit from the PIO.

Having gone through the RTI application and hearing both the parties, the Commission observes that the PIO has complied with the earlier order of the Commission by making compensation and providing original affidavit to the appellant. No further caused of action is left and hence, **the case is disposed of and closed.**

Chandigarh
Dated: 04.08.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sector 16, Chandigarh.
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Sh.Trilochan Singh S/o Sh Late Sh Gurbachan Singh,
R/o 848-A, M.I.G,
Jamalpur, Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o Director,
Department of Local Bodies,
Sector-35-A, Chd.

First Appellate Authority,
O/o Director
Department of Local Bodies,
Sector-35-A, Chd.

...Respondent

Appeal Case No. 2067of 2020

PRESENT: None for the Appellant
Shri Vikas Kumar, Senior Assistant, for the Respondent

ORDER:

The appellate through RTI application dated 27.03.2020 has sought information regarding the number of blocks allotted to Sh.Ajay Kumar Building Inspector in Zone-A date of his joining in the NC – earlier posting of Sh.Ajay Kumar – promotion-related file and other information concerning the office of Director Local Govt. Bodies Punjab, Chandigarh. The appellant was not provided with the information after the appellant filed the first appeal before the First Appellate Authority on 06.06.2020 which took no decision on the appeal.

The case first came up for hearing on 08.02.2021 through video conferencing at DAC Ludhiana. The respondent present pleaded that since the information on points 1,2 & 3 relates to MC Ludhiana, the appellant was asked to vide letter dated 20.07.2020 to get the information from them. The respondent further informed that since the information on points 4 & 5 being 3rd party, it cannot be provided as the 3rd party has not given its consent to disclose the information.

However, the PIO had not transferred the RTI application to MC Ludhiana. The PIO was directed to transfer the RTI application to the MC Ludhiana under section 6(3)of the RTI Act for the information concerning them.

The PIO-MC Ludhiana was impleaded in the case and directed to look at the RTI application being transferred by Local Bodies, Punjab Chandigarh and provide the information on points 1, 2 & 3. Information regarding points 4 & 5 being personal information, the Commission did not see any public interest in revealing this information, hence it may not be provided.

The case came up for hearing again on **25.05.2021**. Due to a network problem in the VC, the hearing could not take place and the case was adjourned.

Appeal Case No. 2067 of 2020

On the date of the hearing on **26.05.2021**, the respondent present from the office of MC Ludhiana pleaded that the information on points 1,2 & 3 has been sent to the appellant vide letter dated 21.05.2021 with a copy to the Commission.

The appellant was absent. The Commission received a letter from the appellant on 28.04.2021, which was taken on the file of the Commission.

The appellant was directed to appear personally before the commission to pursue his case.

On the date of hearing on 20.09.2021, the appellant was absent and vide email, sought exemption, fearing a threat to his family if he left his home. This was the second consecutive time that the appellant had not appeared. The appellant in the said email also informed that the PIO has not supplied the information.

Since the respondent (MC Ludhiana) on the hearing of 26.05.2021 had claimed to have sent the information regarding points 1, 2 & 3, no further interference is required at this juncture.

The appellant was afforded one more opportunity to be present to pursue the case otherwise the case will be decided ex parte.

Hearing dated 04.08.2022 :

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

The respondent present pleaded that the requisite information of points 1, 2 and 3 has been provided to the appellant.

Having gone through the RTI application and hearing the respondent, the Commission finds that the RTI application has appropriately been attended to by the PIO. The Commission further observes that the appellant is absent consecutively for the 4th time on vague pretexts. Unlimited adjournments cannot be provided, thus, for non-pursuance of case by the appellant, the **case is disposed of and closed.**

Sd/-

Chandigarh
Dated: 20.09.2021

(Khushwant Singh)
State Information Commissioner

CC to PIO-MC Ludhiana



Sh. Ramandeep Singh,
Ward No-18, Street MO-2,
Kartar Nagar, Amloh Road,
Khanna, District Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o Secretary, Local Government,
Sector-35-A, Chandigarh.

First Appellate Authority,
O/o Secretary, Local Government,
Sector-35-A, Chandigarh.

...Respondent

Appeal Case No. 2103 of 2020

PRESENT: Sh.Ramandeep Singh as the Appellant
Sh.Sandeep Kumar, Sr. Assistant (Establishment Branch),
Local Govt. Pb for the Respondent

ORDER:

The appellate through RTI application dated 05.03.2020 has sought information regarding list of employees promoted as Junior Engineers/Assistant Municipal Engineers, Municipal Engineers and SE on the basis of qualification through deemed university and posted in different MCs/NCs – a copy of the order of Govt for promoting these engineers – a copy of the letter/circular through which no action taken against such JEs/AMEs/MES & SEs promoted on the basis of qualification obtained through deemed university and other information concerning the office of Secretary Department of Local Govt. Pb. Chandigarh. The appellant was not provided with the information after the appellant filed the first appeal before the First Appellate Authority on 24.04.2020, which took no decision on the appeal.

The case first came up for hearing on 09.02.2021 through video conferencing at DAC Ludhiana. The appellant claimed that the PIO has not provided the information. The respondent present pleaded that the information sought by the appellant was not specific. As per the respondent, the reply was sent to the appellant on 08.02.2021.

Having gone through the RTI application and hearing both the parties, the PIO was directed to relook at the RTI application and provide whatever information is available on record.

The Commission further observed that the RTI application was filed on 05.03.2020 whereas the reply has been sent on 08.02.2021 with a delay of more than ten months. The PIO was directed to explain the reasons for not attending to the RTI application within the time frame as prescribed under the RTI Act.

Sh.Satwinder Singh, Supdt. (LG-3) Local Govt appeared late and informed that the information concerning them relating to Municipal Engineer and Superintending Engineer in point-2 has been sent to the appellant vide letter dated 21.01.2021 with a copy to the Commission and the remaining information pertains to Establishment Branch.

Appeal Case No. 2103of 2020

On the date of the hearing on **26.05.2021**, the appellant was absent and vide email, has informed that the PIO has not provided the information.

The respondent brought some more information that was taken on the file of the Commission. A copy of the information was sent to the appellant along with the order with the direction to point out the discrepancies, if any to the PIO and the PIO was directed to remove the same. The Appellant was directed to appear at the next hearing or be represented.

On the date of hearing on 20.09.2021, the appellant informed that he has already pointed out the discrepancies to the PIO with a copy to the Commission, but the PIO has not removed the same.

The respondent sought some more time to remove the discrepancies. The PIO was directed to remove the discrepancies as pointed out by the appellant and provide complete information within 15 days of the receipt of the order with a copy to the Commission.

Hearing dated 04.08.2022 :

The case has come up for hearing today through video conferencing at DAC Ludhiana/Mohali. The appellant claimed that no information had been provided by the PIO.

The respondent present pleaded that the requisite information had been provided to the appellant vide letter dated 16.12.2021 with a copy of the same to the Commission. The respondent further pleaded that no discrepancy had been pointed out by the appellant.

The Commission finds that a copy of the information supplied by the PIO to the appellant vide letter dated 16.12.2021 has been received in the Commission on 17.12.2021. The appellant is a regular RTI applicant and visits the Information Commission frequently, thus has agreed to collect the information from the Commission on any working day and convey the discrepancies, if any, to the PIO.

No further cause of action is required in the matter. Case **disposed of**.

Sd/-

Chandigarh
Dated:04.08.2022

(Khushwant Singh)
State Information Commissioner

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Sh.Bharat Bhushan,
H No-153, Akash Nagar,
Near Greenland School,
P.O Netaji Nagar Salem Tabri,
District Ludhiana..

... Appellant

Versus

Public Information Officer,
O/o DEO (EE),
Phase-8, Mohali.

First Appellate Authority,
O/o DPI. (EE),
Phase-8, Mohali.

...Respondent

Appeal Case No. 2259 of 2020

PRESENT: None for the Appellant
None for the Respondent

ORDER:

The appellate through RTI application dated 10.03.2020 has sought information regarding recruitment of 9998 posts of JBT ETT teachers advertised in Sept.2007 – number of applications under SC(M&B) category – copies of caste certificates of SC category – experience certificates of the applicants – the name of verification officers of certificates and other information as enumerated in the RTI application concerning the office of DEO(EE) Mohali. The appellant was not provided with the information after the appellant filed the first appeal before the First Appellate Authority on 01.07.2020, which took no decision on the appeal. After filing the first appeal, the PIO sent information to the appellant on 17.07.2020, to which the appellant was not satisfied and filed 2nd appeal in the Commission.

The case first came up for hearing on **09.02.2021** through video conferencing at DAC Ludhiana. The respondent present pleaded that the information had been sent to the appellant vide letter dated 17.07.2020 and remaining on 11.09.2020. The respondent further informed that the information was earlier sent to the appellant on 17.07.2020. Thereafter, the appellant pointed out some discrepancies, which were sorted out and information was sent on 11.09.2020.

The appellant was absent and vide letter received in the Commission on 28.01.2021 informed that the PIO has not removed the discrepancies as pointed out on 27.07.2020.

Since a fresh set of information was sent to the applicant after he had pointed out the discrepancies, the appellant could contact the PIO to highlight any further discrepancy. The PIO was directed to remove the same, and if there is no further information available, to state it in an affidavit that no further information, as sought in the RTI application, is available.

On the date of hearing on **26.05.2021**, the appellant was absent and vide letter received in the Commission on 23.04.2021 informed that PIO has not sorted out the discrepancies on points 1,2 & 3.

Appeal Case No. 2259 of 2020

The respondent present pleaded that the available information has already been provided to the appellant on 17.07.2020, 11.09.2020 & 15.04.2021 and no further information is available.

The PIO was directed to give this in writing on an affidavit that the information that has been provided, is true, complete and no further information is available in their record.

On the date of hearing on 20.09.2021, the respondent informed that in compliance with the order of the Commission, an affidavit has been provided to the appellant with a copy to the Commission on 01.06.2021.

The appellant was absent and vide email has informed that the PIO has not provided the affidavit as per order of the Commission.

The PIO was directed to supply a revised affidavit mentioning therein that the information that has been provided to the appellant is true, complete and no further information is available in the record relating to this RTI application. The affidavit be provided within 10 days of the receipt of the order with a copy to the Commission.

Hearing dated 04.08.2022:

The case has come up for hearing today through video conferencing at DAC Ludhiana/Mohali. The appellant is absent nor is represented.

The PIO is absent. However, a copy of letter dated 01.10.2021 has been received in the Commission on 25.10.2021 wherein the PIO has stated that in pursuance of the previous order of the Commission **revised original affidavit** has been provided to the appellant.

Having gone through the RTI application and reply of the PIO, the Commission observes that the PIO has provided the revised original affidavit to appellant. No further interference by the Commission is required and hence, **the case is disposed of and closed.**

Sd/-

Chandigarh
Dated: 04.08.2022

(Khushwant Singh)
State Information Commissioner



Sh.Sukhdhir Singh,
R/o H No-4, Baba Nand Singh Nagar,
Backside B.C.M School,
Basant Avenue, Dugri,
Distt Ludhiana.

... Appellant

Versus

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

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

...Respondent

Appeal Case No. 2280 of 2020

PRESENT: Sh. Surinder Singh for the Appellant
Sh.Harminder Singh, Clerk O/o DEO(EE) Ludhiana for the Respondent

ORDER:

The appellate through RTI application dated 25.02.2020 has sought information regarding the information provided under RTI Act to Sh.Kuldeep Kumar Kaura in 2017-18, 2018-19, 2019-20 – penalty imposed on the employees for not providing the information – the amount of penalty and case number –mode of deposit of penalty and other information concerning the office of DEO(EE) Ludhiana The appellant was not provided with the information after the appellant filed first appeal before the First Appellate Authority on 29.06.2020 which took no decision on the appeal.

The case first came up for hearing today through video conferencing at DAC Ludhiana. The appellant claimed that the PIO has not provided the information.

The respondent present pleaded that the information on point-1 is not specific and the information on points 2, 3 & 4 is not readily available and has to be created and that the reply has been sent to the appellant vide letter dated 29.01.2021.

Having gone through the RTI application and hearing both the parties, the appellant was directed to inspect the record relating to point -1 on 10.02.2021 at 12.00 noon and obtain the relevant information. The PIO was directed to allow inspection of the record and provide relevant information to the appellant as per the cost. The PIO was also directed to provide whatever information is available on record regarding points 2,3 & 4.

On the date of the hearing on **26.05.2021**, the respondent present pleaded that the appellant inspected the record on 10.02.2021 and the relevant information has been supplied to the appellant vide letter dated 07.04.2021.

The appellant was absent nor had communicated about the reasons for the absence.

On the date of hearing on 20.09.2021, as per the respondent, the appellant had inspected the record and relevant information had been provided to the appellant. The appellant informed that the PIO has not provided the information as per the RTI application.

Having gone through the RTI application and hearing both the parties, the PIO was directed to provide information on point 2 (information sought on 2, 3 & 4 is the same) to the appellant as discussed during the hearing. The decision relating to information on point 1 will be taken on the next date of the hearing.

Hearing dated 04.08.2022:

The case has come up for hearing today through video conferencing at DAC Ludhiana. The representative of the appellant claimed that the remaining information has not been provided by the PIO.

The respondent present stated that the information of point No.2 had been provided to the appellant vide their letter 09.12.2021, and a copy of the same has been sent to the Commission.

Having gone through the RTI application and record in the file, the Commission observes that the RTI application has sufficiently been answered by the PIO. No further interference by the Commission, in this case, is required. Hence, the case is **disposed of and closed**.

Sd/-

**Chandigarh
Dated:04.08.2022**

**(Khushwant Singh)
State Information Commissioner**



Sh.Kuldip Kumar Kaura,
5-C, Phase-1, Urban Estate,
Focal Point, Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o DPI (EE),
Phase-8, Mohali.

First Appellate Authority,
O/o DPI (EE),
Phase-8, Mohali.

...Respondent

Appeal Case No. 2343 of 2020

PRESENT: None for the Appellant
None for the Respondent

ORDER:

The appellate through RTI application dated 29.05.2020 has sought information about Sukhdev Singh Sekhon Ex Headteacher Sukhdev Nagar Mangat Ludhiana – a copy of order No.19/01-2020 dt.01.07.2020 transferring the said teacher – a copy of the noting – a copy of the order of cancellation of transfer – a copy of the order of retransfer – a copy of enquiry report submitted Jagtar Singh, on enquiry held on 27.02.2020 and other information concerning the office of DPI(EE) Mohali. The appellant was not provided with the information after the appellant filed the first appeal before the First Appellate Authority on 04.07.2020, which took no decision on the appeal.

The case first came up for hearing on **09.02.2021** through video conferencing at DAC Ludhiana. The appellant stated that the PIO has denied the information vide letter dated 17.08.2020 taking a ground u/s 8(1)(d) & 8(1)(j) which is not maintainable since the information is part and parcel of the file of the department. The appellant had filed a reply through email, which was taken on the file of the Commission.

The respondent present pleaded that some of the information had been provided to the appellant vide letter dated 04.02.2021 with a copy to the Commission.

A copy of the reply filed by the appellant was supplied to the respondent and the respondent was directed to file a suitable reply on all points.

On the date of the hearing on **26.05.2021**, the appellant claimed that the PIO has not provided the information.

The respondent submitted a point-wise reply which was taken on the file of the Commission. A copy of the reply was sent to the appellant with the order.

The case last came up for hearing on 20.09.2021 through video conferencing at DAC Ludhiana/Mohali. The appellant informed that he has received information on point-A-1 & B-1 only but the PIO has not supplied the remaining information.

The respondent was absent nor was represented.

Having gone through the RTI application and the reply submitted during the hearing on 26.05.2021, the Commission found that merely stating that the information is exempted u/s 8(1)(d) & 8(1)(j) and not citing order speaking order is not maintainable. The PIO has merely used exemptions without any sound reasoning for using these exemptions.

Moreover, having gone through the record available on the file, it was found that there is no bar by any court or tribunal to publish this information.

The PIO was directed to provide all remaining information except point-C-3, which relates to a matter between an employer and an employee.

Hearing dated 04.08.2022:

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

Since order has already been passed in this instance no further interference from the commission is required.

The case is **disposed of and closed**.

Sd/-

Chandigarh
Dated: 04.08.2022

(Khushwant Singh)
State Information Commissioner



Sh. Suresh Aggarwal, S/o Sh.Prem Chand,
R/o H NO-2585/2-A, Jagat Nagar,
Basti Jodhwal,
Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o Municipal Corporation,
Zone-D, Ludhiana.

First Appellate Authority,
O/o Municipal Corporation,
Head Office, Mata Rani Chowk,
Ludhiana

.....Respondent

Appeal Case No. 177 of 2019

PRESENT: Sh. Suresh Aggarwal, the appellant
Sh. Harjit Singh, of Zone-D, Ludhiana for the respondent

ORDER :

The case was first heard on **10.04.2019**. The respondent present from building branch Zone-A MC Ludhiana pleaded that the record relating to the information regarding points 1,3,5,6 & 7 is not available with them. The respondent present for PIO-cum-ATP Zone-D pleaded that the information regarding points 2,4 & 8 is not available with them and regarding points 3&5, the area comes under the jurisdiction of B & R Branch of Zone-B and Zone-A. Since as per the respondents, the information was available with B & R Branch of MC Ludhiana, DRO and Irrigation department, the PIO-B&R Branch of MC, Ludhiana, PIO-DRO Ludhiana and PIO-O/o Irrigation department Ludhiana were impleaded in the case and directed to look at the RTI application and provide the information concerning before the next date of hearing.

On **11.06.2019**, the appellant claimed that the information has not been provided by the PIO. The Commission received a letter on 30.04.2019 from the APIO-B&R Zone-B, MC Ludhiana, stating that the information sought relates to their building branch. The respondent present from the building branch pleaded that the information concerning them has been provided and the remaining information has to be provided by the PIOs of A & D Zone.

The Commission observed that the file is moving from one desk to the other and no-one knows under whose custody the information lies. The Commissioner, MC Ludhiana was directed to look at the RTI application on an urgent basis and get the information from the PIO under whose custody the information lies. After hearing both the parties, the following was concluded:

- Point-2 Partial information provided, remaining to be provided by the PIO, Zone- A, PIO- Zone-D, PIO-Drawing Branch, MC Ludhiana and PIO-Irrigation Department, Ludhiana
- Point-3 Partial information provided, remaining to be provided by PIO, Zone- A, PIO- Zone-D, PIO-Drawing Branch, MC Ludhiana
- Point-1 To be provided by PIO-Drawing Branch, MC Ludhiana
- Points-4,5&6 Available on website
- Point-7 To be provided by PIO-Zone-A, MC Ludhiana

The PIO-Zone-A, MC Ludhiana, PIO-Zone-D, MC Ludhiana, PIO-Drawing Branch, MC Ludhiana and PIO-Irrigation Department, Ludhiana were directed to look at the RTI application and provide the information concerning them to the appellant.

The case was again heard on **06.08.2019**. The respondents present informed that they have provided the information to the appellant concerning them and the remaining information relates to the building branch Zone-D and PIO-Tehbazari.

The respondent from the building branch, Zone-D and PIO-Tehbazari were absent. The PIO-Zone-D, and PIO-Tehbazari, MC Ludhiana were given one last opportunity to look at the RTI application and provide the information regarding point-2 to the appellant within 15 days and send a compliance report to the Commission. The rest of the points stand settled.

On the next date of hearing on **02.12.2019**, the respondent present pleaded that they have already provided the available information concerning them and the remaining information relates to the Revenue/Irrigation department. The appellant claimed that the PIO is not providing the relevant information and using delaying tactics.

The Commission observed that since the department is dilly-dallying the information, the Commission directed the Commissioner, MC Ludhiana to have a look at the entire RTI application and take adequate steps for the provision of the information. The Commissioner, MC Ludhiana was also directed to send a consolidated reply to the Commission on the matter at the next date of hearing.

On the date of hearing on **17.02.2020**, both the parties were absent. The case was adjourned.

On the date of hearing on **03.08.2020**, the respondents present from Zone A & D of MC Ludhiana pleaded that the information available with them regarding point-2 & 3 has already been supplied and the remaining information regarding encroachment outside & inside the Budha Nala is in the custody of Irrigation Department.

The PIO-Department of Irrigation, Ludhiana was impleaded in the case and directed to look at the RTI application, a copy of which was attached with the order and provide the information to the appellant.

On the date of hearing 23.09.2020, the appellant claimed that the information has not been provided by the PIO on points 2, 4, 6, 7 & 8. The respondent was absent.

The PIO-Irrigation Department was absent. The PIO-Department of Irrigation, Ludhiana was directed to provide the information and be present personally on the next date of hearing otherwise the commission will be constrained to initiate punitive action against the erring PIO.

A copy of the order was sent to the Commissioner, Municipal Corporation, Ludhiana with the direction to resolve this pending RTI and ensure that whatever information is available on their record is completely provided. Regarding the points for which information does not exist the PIO was directed to provide a clear affidavit stating that no information exists.

On hearing dated 04.01.2021, Sh.Parvinder Singh O/o Tehbazari-MC Ludhiana was present but had not been able to reply suitably.

Since the case carried on for long, and the information sought was in the custody of various departments of the Ludhiana MC. Most of the information had been provided, however, some information was still pending as there seemed to be constant uncertainty as to which department /branch of the Municipal Corporation holds the information.

To resolve this matter, Sh.Pardeep Sabharwal, Commissioner, MC Ludhiana was directed to look at the RTI application and ensure coordination amongst various departments of the MC so that the RTI application is adequately responded to as per the provisions of the RTI ACT.

The case last came up for hearing on 16.08.2021 through video conferencing at DAC Ludhiana. Due to technical reasons, the hearing could not take place.

Hearing dated 04.08.2022 :

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

The respondent appeared for Zone-D has stated that the PIO, Zone-D, MC, Ludhiana has filed an affidavit stating in para 2, except the information pertaining to Zone-D, Drawing & Building branch supplied to the appellant vide letter dated 05.04.2019, 29.11.2019, 28.07.2020 and 20.04.202 no more information is available in their record.

Since the information sought is in the custody of various departments of the MC, Ludhiana and most of the information has been provided, I am again marking this case to Commissioner, MC, Ludhiana, to look at the RTI application and ensure coordination amongst various departments of the MC so that the RTI application is adequately responded to as per the provisions of the RTI ACT.

The case is **disposed of and closed**.

Chandigarh
Dated 04.08.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to:1. Smt. Shena Aggarwal,IAS
Commissioner, MC Ludhiana

- **2. PIO-Xen Drainage,**
Department of Irrigation, Pb,
Urban Estate, Phase-I, Dugri,
Ludhiana

Sh.Ujagar Singh, S/o Sh.Bant Singh,
R/o Street No-1, Mann Colony,
Daba, Ludhiana.

... Appellant

Versus

Public Information Officer,

O/o ADGP, (Crime), Pb
Police Headquarters, Chandigarh.

First Appellate Authority,

O/o DGP, (Crime), Pb
Police Headquarter, Chandigarh

.....Respondent

Appeal Case No. 157 of 2019

Present : None for the appellant
Sh. Kiranjit Singh, ASI, for the respondent.

ORDER :

This order should be read in continuation to the earlier order.

The case was earlier heard on 26.02.2019, 02.04.2019, 08.07.2019, 02.09.2019, 04.03.2020, 03.08.2020, 23.09.2020, 04.01.2021 & 16.08.2021.

On the date of hearing on 04.03.2020, the appellant was directed to inspect the record by fixing a mutually convenient date and time with the PIO and get the relevant information. The PIO was directed to allow inspection of the record and provide the relevant information to the appellant.

On the date of hearing on 03.08.2020, the appellant claimed that he visited the office of PIO On 02.03.2020 but the PIO was not available in the office and no information was provided.

Hearing both the parties, the commission observed that the appellant wanted the enquiry report of the enquiry conducted by DSP on his complaint dated 18.09.2018. The PIO was directed to provide an enquiry report on the action taken by the DSP Crime on the application of the appellant dated 18.09.2018. The information was be provided within 15 days.

On the date of the last hearing on 23.09.2020, the respondent informed that the information has been provided. The appellant was absent and vide email informed that the PIO has not provided the information.

The respondent was directed to comply with the earlier order of the Commission which still stands and resend the information to the appellant through a registered post with a copy to the Commission.

The case was heard on 04.01.2021 through video conferencing at DAC Ludhiana. Sh.Gurjeet Singh, ASI was present on behalf of the respondent. As per the respondent, the information has been provided to the appellant with a copy to the Commission.

The appellant was absent and vide email has informed that the information has not been provided as per the RTI application.

The case last came up for hearing on 16.08.2021 through video conferencing at DAC Ludhiana. Due to technical reasons, the hearing could not take place.

Hearing dated 04.08.2022 :

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

The respondent present pleaded that the requisite information has been provided to the appellant.

The appellant is absent for the 4th time consecutively.

For non-pursuance of the case by the appellant, the case is **disposed of and closed**.

Chandigarh
Dated:04.08.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to : PIO-DSP, Mehal Kalan(Barnala)



Sh Jaspreet Singh, S/o Sh Gurmeet Singh,
Village Chak Pali Wala, Tehsil Jalalabad (East),
Distt Fazilka.

...Appellant

Versus

Public Information Officer,
O/o Director, Ayurvedic Department,
Food and Drug Testing Lab,
Near Kumar Chemist, Sector-11-D, Chandigarh.

First Appellate Authority,
O/o Director, Ayurvedic Department,
Food and Drug Testing Lab,
Near Kumar Chemist, Sector-11-D, Chandigarh.

...Respondent

Appeal Case No. 2273 of 2021

PRESENT: Sh.Jaspreet Singh as the Appellant
Ms.Vishakha-APIO O/o Board of Ayurvedic& Unani Systems of
Medicine,Pb for the Respondent

ORDER:

The appellant through an RTI application dated 15.02.2021 has sought information on four points regarding rule for applying for ayurvedic registration and notice if any issued – notice issued to ayurvedic/unani/allopathic medicine sellers without having registration as per circular/notification dated 05.03.2015 and other information as enumerated in the RTI application from the office of Director Ayurvedic Department, Pb Chandigarh. The appellant was not provided with the information provided after which the appellant filed the first appeal before the first appellate authority on 15.03.2021 which took no decision on the appeal.

The case first came up for hearing on 04.10.2021 through video conferencing at DAC Fazilka/Mohali. The respondent present from the office of Director Ayurvedic Department pleaded that the information relates to the Board of Ayurvedic And Unani Systems Of Medicine, Punjab. The respondent present from the office of the Board of Ayurvedic and Unani System of Medicine and informed that:-

- Point-1 - The information is not available
- Point-2 & 3 - There is no prescribed procedure and action can only be initiated after receipt of a complaint.
- Point-4 No answer by the respondent

Having gone through the RTI application and the reply of the respondent, the Commission observed that the RTI application has not been addressed appropriately as the application is being passed from desk to desk without any official applying his/her mind on what the appellant seeks.

The Commission marked the RTI application to the Secretary, Health and Family Welfare, Pb Chandigarh with the direction to look at the RTI application and ensure that the RTI application is appropriately addressed and the appellant is provided with the information as per the RTI Act.

Hearing dated 04.08.2022 :

The case has come up for hearing today through video conferencing at DAC Fazilka/Mohali. The appellant is present.

The respondent present pleaded that the requisite information has been provided to the appellant vide their letter dated 31.01.2022.

Having gone through the RTI application and record in the file, I observe that the RTI application has sufficiently been addressed by the PIO and no more interference from the Commission is required. Hence, **the case is disposed of and closed.**

**Chandigarh
Dated: 04.08.2022**

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

**CC to Secretary, Health and Family Welfare,Pb
Chandigarh.**

PUNJAB STATE INFORMATION COMMISSION
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Sh Jaspreet Singh, S/o Sh Gurmeet Singh,
Village Chak Pali Wala, Tehsil Jalalabad (East),
Distt Fazilka.

Appellant

Versus

Public Information Officer,
O/o Principal Secretary,
Health and Family Welfare,
Sector-34-A, Chandigarh.

First Appellate Authority,
O/o Principal Secretary,
Health and Family Welfare,
Sector-34-A, Chandigarh.

...Respondent

Appeal Case No. 2270 of 2021

PRESENT: Sh.Jaspreet Singh as the Appellant
Ms.Vishakha-APIO O/o Board of Ayurvedic & Unani Systems of Medicine,
Pb for the Respondent

ORDER:

The appellant through an RTI application dated 15.02.2021 has sought information on three points regarding registration required for setting up of a medical store(sale/stock) for ayurvedic/unani medicines and if any has been issued for the same – act/rule under which action is being taken against the sellers of ayurvedic/unani/desi medicine without having registration and other information as enumerated in the RTI application from the office of Principal Secretary, Health and Family Welfare, Pb Chandigarh which transferred the RTI application u/s 6(3) to Director Ayurvedic Department, Pb Chandigarh. The appellant was not provided with the information provided after which the appellant filed the first appeal before the first appellate authority on 15.03.2021, which took no decision on the appeal.

The case first came up for hearing on 04.10.2022 through video conferencing at DAC Fazilka/Mohali. As per the respondent present from the office of Director Ayurved, the information relates to the Board Of Ayurvedic & Unani Systems of Medicine, Pb Mohali. The respondent present from the O/o Board of Ayurvedic & Unani System of Medicine informed that:-

- Point-1 - The information is available on the website of the department
- Point-2 & 3 - There is no prescribed procedure and action can only be initiated after receipt of a complaint.
- Point-4 - No answer by the respondent

Having gone through the RTI application, the reply of the respondent and proceedings of the hearing, the Commission observed that the RTI application has not been addressed appropriately as the application is being passed from desk to desk without any official applying his/her mind on what the appellant seeks.

The Commission marked the RTI application to the Secretary, of Health and Family Welfare, Pb Chandigarh with the direction to look at the RTI application and ensure that the RTI application is appropriately addressed and the appellant is provided with the information as per the RTI Act.

Hearing dated 04.08.2022 :

The case has come up for hearing today through video conferencing at DAC Fazilka/Mohali. The appellant claimed that the PIO has not provided the information.

The respondent present pleaded that available information has been provided to the appellant vide letter dated 15.06.2021 again vide letter dated 06.01.2022.

Having gone through the RTI application and hearing both the parties, the Commission observes that the RTI application has sufficiently been answered by the respondent and no further interference is required. Hence, **the case is disposed of and closed.**

Chandigarh
Dated: 04.08.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to Secretary, Health and Family Welfare,Pb Chandigarh.



Sh Jaspreet Singh, S/o Sh Gurmeet Singh,
Village Chak Pali Wala, Tehsil Jalalabad (East),
Distt Fazilka.

Appellant

Versus

Public Information Officer,
O/o District Ayurvedic and Yunani Officer,
1924/18, Brown Road, Field Gunj,
Ludhiana.

First Appellate Authority,
O/o District Ayurvedic and Yunani Officer,
Ludhiana.

...Respondent

Appeal Case No. 2268 of 2021

PRESENT: Sh.Jaspreet Singh as the Appellant
Dr. Rani, for the Respondent

ORDER:

The appellant through an RTI application dated 15.02.2021 has sought information regarding a copy of the notice issued to the sellers of ayurvedic/unani/allopathic medical stores, pansari, karyana store for selling medicines without having ayurvedic license and if not issued under which notification – act under which action can be taken against these sellers – eligibility of ayurvedic doctor to run OPD in the absence of AMO and other information as enumerated in the RTI application from the office of District Ayurvedic And Unani Officer, Ludhiana. The appellant was not provided with the information provided after which the appellant filed the first appeal before the first appellate authority on 15.03.2021, which did not decide on the appeal.

The case last came up for hearing 05.10.2021 through video conferencing at DAC Fazilka/Ludhiana. The appellant claimed that the PIO has not supplied the information.

The respondent present pleaded that the information has to be provided by Director Ayurveda, Pb Chandigarh and Board of Ayurvedic & Unani System of Medicines Mohali and they have already asked them vide letter dated 26.02.2021 to provide the information and the appellant has also been asked to contact the office of Director Ayurveda, Pb Chandigarh and Board of Ayurvedic & Unani System of Medicines Mohali.

Since similar information had already been provided by PIO-District Ayurvedic and Unani Officer, Amritsar, the PIO's stand was not maintainable. The PIO was directed to contact the PIO- District Ayurvedic and Unani Officer, Amritsar and apprise himself about how to provide the sought information.

Hearing dated 04.08.2022 :

The case has come up for hearing today through video conferencing at DAC Fazilka/Ludhiana. The appellant reiterates his earlier version that the PIO has not supplied the information.

Appeal Case No. 2268 of 2021

The respondent present stated that the available information (copy of instructions received from the Head Office) have been provided to the appellant vide letter dated 13.10.2021. The respondent further states that it has also been intimated to the appellant that the action against the person selling the medicines on without authorized license is taken by the Drug Inspector-cum-District Ayurvedic & Unani Officer under Drug and Cosmetic act.

Having gone through the RTI application and record in the file, it is observed that the RTI application has sufficiently been attended to by the PIO and available information has been supplied by the PIO. The Commission further observes that no further interference is required and hence, the case is **disposed of and closed**.

Chandigarh
Dated: 04.08.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sector 16, Chandigarh.**

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Sh Ajay Kumar, S/o Sh Ram Rakha,
R/o H No-A-1346, Street No-1,
Radha Swami Colony, Fazilka.

... Appellant

Versus

Public Information Officer,
O/o Deputy Director,
Local Govt, Ferozepur.

First Appellate Authority,
O/o Deputy Director,
Local Govt, Ferozepur.

...Respondent

Appeal Case No. 2601 of 2021

PRESENT: None for the Appellant
Smt. Rinki Rani, Superintendent O/o Addl. DC(Urban Development),
Ferozepur for the Respondent

ORDER:

The appellant through an RTI application dated 13.01.2021 has sought information regarding approval of first-floor building constructed in Sri Jain Elementary Primary School Fazilka – a copy of the approval for construction of the first floor – a copy of the receipt issued by NC Fazilka for keeping scrap material while constructing the building – a copy of the map approved other information as enumerated in the RTI application from the office of Deputy Director Local Govt. Ferozepur. The appellant was not provided with the information provided after which the appellant filed the first appeal before the first appellate authority on 01.03.2021 after that the PIO NC, Fazilka sent a reply to the appellant on 17.03.2021 to which the appellant was not satisfied and filed 2nd appeal in the Commission.

The case last came up for hearing 05.10.2021 through video conferencing at DAC Fazilka/Ferozepur. Both the parties were absent.

The case was adjourned.

Hearing dated 04.08.2022 :

The case has come up for hearing today through video conferencing at DAC Fazilka/Ferozepur. The appellant is absent nor is represented.

Smt. Rinki Rani, Superintendent, present pleaded that she has appeared from the office of the First Appellate Authority, Ferozepur. The respondent further stated that since the information is in the custody of NC Fazilka, the PIO O/o the NC Fazilka has to supply the information.

The PIO, NC, Fazilka is absent nor is represented.

Appeal Case No. 2601 of 2021

Since the information relates to Nagar Council, Fazilka and lying in their custody, I am marking this RTI application to the PIO, Nagar Council, Fazilka, to provide the information to the appellant by registered post and send a copy of the same to the Commission for record. No further interference is required and the case is **disposed of and closed**.

Chandigarh
Dated: 04.08.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

Copy to
The Executive Officer
Nagar Council
FAZILKA

PUNJAB STATE INFORMATION COMMISSION

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Sector 16, Chandigarh.

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Ms Minaj Aggarwal, D/o Sh Subhash Chander,
R/o Street No-10, Arya Nagar, Near Kalka Mandir,
Fazilka.

... Appellant

Versus

Public Information Officer,
O/o Civil Surgeon,
Fazilka.

First Appellate Authority,
O/o Civil Surgeon,
Fazilka.

...Respondent

Appeal Case No. 2538 of 2021

PRESENT: Dr. Babita O/o Civil Surgeon, Fazilka, for the Appellant
Sh.Rajesh Kumar, Asstt.Programmer for the Respondent

ORDER:

The appellant through an RTI application dated 11.01.2021 has sought information regarding the copy of a letter received for approval by Thana Arniwala relating to FIR No.97 dated 03.07.2020 and a reply sent to them and other information as enumerated in the RTI application from the office of Civil Surgeon Fazilka. The appellant was not provided with the information provided, after which the appellant filed the first appeal before the first appellate authority on 08.03.2021, which did not decide on the appeal.

The case was last heard on **05.10.2021** through video conferencing at DAC Fazilka. The respondent present pleaded that the information as available in the record containing 07 pages has been sent to the appellant vide letter dated 09.02.2021, and no further information is available.

The appellant was not satisfied with the provided information.

Since the PIO had claimed that there is no further information available for the sought information and the appellant had expressed dissatisfaction, the PIO was directed to file an affidavit that the information that has been provided is true, complete and no further information is available in the record relating to this RTI application. The affidavit be provided within 15 days of the receipt of the order.

Hearing dated 04.08.2022 :

The case has come up for hearing today through video conferencing at DAC Fazilka. The respondent present pleaded that the requisite information had been supplied to the appellant vide letter dated 14.07.2022. Copy of letter received in the Commission through email is taken on record.

Dr. Babita O/o Civil Surgeon, Fazilka, appeared on behalf of the appellant and stated that the requisite information has been received.

As the information has been supplied, no further interference by the Commission is required. Hence, the case is **disposed of and closed**.

Chandigarh
Dated: 04.08.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh Jagdish Chander, S/o Sh Machhi Ram,
H No-56-A, Street NO-3,
Radha Swami Colony, Fazilka.

... Appellant

Versus

Public Information Officer,
O/o Health and Family Welfare Deptt,
Sector-34-A, Chandigarh.

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

...Respondent

Appeal Case No. 2467 of 2021

PRESENT: None for the Appellant
Shri Rakesh Kumar, RTI Clerk, for the Respondent

ORDER:

The appellant, through an RTI application dated 16.03.2021 has sought information regarding the letter of approval for running/operating M/s Arora Neuro Centre on Mal Road Civil Line Ludhiana – a copy of instructions for getting approval – a copy of the letter received for renewal of license and other information as enumerated in the RTI application from the office of Department of Health and Family Welfare Pb Chandigarh. The appellant was not provided with the information provided, after which the appellant filed the first appeal before the first appellate authority on 30.03.2021, which did not decide on the appeal.

The case last came up for hearing on 05.10.2021 through video conferencing at DAC Fazilka / Mohali. As per the appellant, the PIO had not provided the information.

The respondent was absent. The Commission received a copy of the letter from the office of Dy. Director, Health & Family Welfare on 27.08.2021 vide which they have instructed the Civil Surgeon, Ludhiana to provide information to the appellant as per RTI application transferred to them u/s 6(3) of the RTI Act vide letter dated 30.03.2021.

As per a copy of the letter received in the Commission on 29.09.2021 from PIO-Civil Surgeon, Ludhiana, the PIO had denied the information stating that since the information relates to a private hospital and clinical establishment act has yet not been made applicable in Punjab, hence the private hospital does not come under their authority.

I was not in agreement with the reply of the PIO since the appellant had asked for a copy of the letter of approval granted to M/s Arora Neuro Centre as well as a copy of the letter received for renewal. If such information was held by the Civil Surgeon's office as part of norms to obtain permissions to run medical centres or can be accessed by the public authority this information cannot be denied to an applicant.

The PIO-Civil Surgeon was directed to relook at the RTI application and provide the information to the appellant within 15 days of the receipt of the order with a copy to the Commission otherwise the commission will be constrained to take action against the PIO under section 20 of the RTI Act.

Hearing dated 04.08.2022 :

The case has come up for hearing today through video conferencing at DAC Fazilka/Ludhiana. The appellant is absent nor represented.

The respondent present stated that vide their letter dated 27.09.2021 and 24.12.2021, received in the Commission through email, the appellant has been intimated that the Clinic Establishment Act is not applicable in Punjab, and hence, the sought information i.e. copy of approval & renewal is not available in their record.

Having gone through the RTI application and reply sent by the respondent, the Commission observes that the RTI application has sufficiently been attended to by the PIO. The Commission is not inclined to further intervene in the matter and hence, the case is **disposed of and closed.**

**Chandigarh
Dated: 04.08.2022**

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

CC to: PIO-Civil Surgeon, Ludhiana