

PUNJAB, STATE INFORMATION COMMISSION
Sector-16, Madhya Marg, Near Rose Garden, Chandigarh

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E-mail-Psicsic30@punjabmail.gov.in

Sh.Nirmal Singh S/o Gian Singh,
VPO BhochhiRajputtan,
Tehsil Baba Bakala,
District Amritsar.

... Appellant

Versus

Public Information Officer,
SSP (Rural) Amritsar.

First Appellate Authority,
Inspector General of Police,
Border Range, Amritsar.

...Respondent

Appeal Case No. 1251 of 2018

Present: Sh.Nirmal Singh as the Appellant
None for the Respondent

ORDER:

The case was first heard on **12.06.2018**. The Appellant was directed to tally the information provided by the respondent with his RTI application and inform the discrepancies if any and the PIO is was also directed to send the remaining information to the appellant by registered post and come with proof of sending the information with dispatch receipt.

The case was again heard on **23.07.2018**. The PIO was absent. The Commission received a letter diary No.13324 dated 02.07.2018 from the PIO mentioning that in compliance with orders of the Commission, the information has been sent to the appellant through post registry No.746597195. The appellant was present and informed that there is some discrepancy regarding point No.7 i.e. statement of the alleged accused in FIR has not been provided. The PIO was directed to settle this discrepancy under the provisions of RTI Act.

The case was again heard on **28.08.2018**. The appellant informed that despite orders of the Commission, the information has not been provided to him. The respondent present pleaded that they will settle the discrepancy within 5 days. The PIO was again directed to settle the discrepancy regarding point No.7 of RTI i.e. the copy of record and/or statements of accused and/or witnesses recorded during the course of investigation, based on which the report and findings were drawn by the investigation officer within 5 days.

The case came up for hearing on **15.10.2018** through video conference facility available in the office of the Deputy Commissioner, Amritsar. Since both the parties were absent, the case was adjourned. The PIO was directed to send compliance report of the previous orders of the Commission.

The case was last heard on **03.12.2018**. The appellant pleaded that he has not received the information. The respondent was absent. The Commission had taken a serious note of this and directed the PIO to provide the information as per previous order within a week and send intimation to the Commission failing which the Commission will be constrained to take action under RTI Act.

Hearing dated 05.02.2019:

The case has come up for hearing today through video conference facility available in the office of the Deputy Commissioner, Amritsar. The appellant pleaded that the information has not been provided so far.

Appeal Case No. 1251 of 2018

The respondent is absent on 3rd consecutive hearing and has neither provided the information to the appellant. On the hearing of 23.07.2018, the PIO was absent and the PIO was directed to remove the discrepancy regarding point No.7 i.e. the copy of record and/or statements of accused and/or witnesses recorded during the course of investigation, based on which the report and findings were drawn by the investigation officer. On the hearing of 28.08.2018, Sh.Victor Singh, ASI was present on behalf of the PIO who assured to settle the discrepancy regarding point No.7 within 5 days. However, the PIO has not complied with the order of the Commission but has preferred to be absent on three consecutive hearings.

The Commission has taken a serious note of this and directs the PIO O/o SSP (Rural), Amritsar 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** and for not complying with the order of the Commission, he 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 also directed to provide information to the appellant within 10 days of the receipt of order..

To come up for further hearing on **05.03.2019 at 11.00 AM.**

Chandigarh
Dated: 05.02.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh Baldev Raj,
Royal County Colony, Near Taru Da Wara,
Phagwara, Distt Kapurthala..

... Appellant

Versus

Public Information Officer,
O/o District Collector,
Kapurthala.

First Appellate Authority,
O/o DC,
Kapurthala

...Respondent

Appeal Case No. 1687 of 2018

Present: None for the Appellant

Sh.Paramjit Singh, PIO O/o DC Kapurthala for the Respondent

Order:

The case was first heard on 24.09.2018. The respondent was absent. The appellant informed that he received the letter of the First Appellate Authority on 26.04.2018 in the afternoon. The appellant further informed that he was not allowed to inspect the record. The PIO was directed to fix the time and allow the appellant to inspect the record and provide the information as per the RTI Act. If by any chance, the inspection cannot take place due to the circumstances, the PIO was directed to bring the record at the next date of hearing.

The case was last heard on **06.11.2018**. The order is reproduced hereunder:

"The respondent present has pleaded that the appellant was asked via telephone and letters dated 29.10.2018 & 05.11.2018 to come and inspect the record and get the information he wants, but the appellant did not turn up. As per directions, the respondent has brought the record and shown to the Commission. However, since the appellant is absent and vide letter received in the Commission on 01.11.2018, has sought adjournment, the information could not be provided. The appellant is granted one more opportunity to visit the office of PIO and inspect the record. If by any chance, the inspection cannot take place due to the circumstances, the PIO is directed to bring the record at the next date of hearing. The appellant is also directed to be present otherwise the case will be decided ex-parte."

Hearing dated 05.02.2019:

The case has come up for hearing today through **video conference facility** available in the office of the Deputy Commissioner, Jalandhar. The respondent informed that the appellant was asked to visit and inspect the record on 16.10.2018, 25.10.2018, 5.11.2018 and 22.01.2019 but the appellant did not turn up. The respondent further pleaded that as per order of the Commission, he has brought the record second time.

The appellant is absent to plead his case. Since the appellant inspite being granted many opportunities by the PIO has not inspected the record, no further course of action is required and the case is closed. However, if the appellant is still interested to seek information, he is directed to visit the office of PIO and inspect the record as per earlier order of the Commission which still stands.

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

Chandigarh
Dated: 05.02.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh Baldev Raj,
Royal County Colony, Near Taru Da Wara,
Phagwara, Distt Kapurthala..

... Appellant

Versus

Public Information Officer,
O/o District Collector,
Kapurthala.

First Appellate Authority,
O/o DC,
Kapurthala

...Respondent

Appeal Case No. 1688 of 2018

Present: None for the Appellant
 Sh.Paramjit Singh, PIO O/o DC Kapurthala for the Respondent

Order:

The case was first heard on 24.09.2018. The respondent was absent. The appellant informed that he received the letter of the First Appellate Authority on 26.04.2018 in the afternoon. The appellant further informed that he was not allowed to inspect the record. The PIO was directed to fix the time and allow the appellant to inspect the record and provide the information as per the RTI Act. If by any chance, the inspection cannot take place due to the circumstances, the PIO was directed to bring the record at the next date of hearing

The case was last heard on **06.11.2018**. The order is reproduced hereunder:

“The respondent present has pleaded that the appellant was asked via telephone and letters dated 29.10.2018 & 05.11.2018 to come and inspect the record and get the information he wants, but the appellant did not turn up. As per directions, the respondent has brought the record and shown to the Commission. However, since the appellant is absent and vide letter received in the Commission on 01.11.2018, has sought adjournment, the information could not be provided. The appellant is granted one more opportunity to visit the office of PIO and inspect the record. If by any chance, the inspection cannot take place due to the circumstances, the PIO is directed to bring the record at the next date of hearing. The appellant is also directed to be present otherwise the case will be decided ex-parte.”

Hearing dated 05.02.2019:

The case has come up for hearing today through **video conference facility** available in the office of the Deputy Commissioner, Jalandhar. The respondent informed that the appellant was asked to visit and inspect the record on 16.10.2018, 25.10.2018, 5.11.2018 and 22.01.2019 but the appellant did not turn up. The respondent further pleaded that as per order of the Commission, he has brought the record second time.

The appellant is absent to plead his case. Since the appellant inspite being granted many opportunities by the PIO has not inspected the record, no further course of action is required and the case is closed. However, if the appellant is still interested to seek information, he is directed to visit the office of PIO and inspect the record as per earlier order of the Commission which still stands.

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

Chandigarh
Dated: 05.02.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh Baldev Raj,
Royal County Colony, Near Taru Da Wara,
Phagwara, Distt Kapurthala..

... Appellant

Versus

Public Information Officer,
O/o DC,
Kapurthala.

First Appellate Authority,
O/o DC,
Kapurthala

...Respondent

Appeal Case No. 1689 of 2018

Present: None for the Appellant
 Sh.Paramjit Singh, PIO O/o DC Kapurthala for the Respondent

Order:

The case was first heard on 24.09.2018. The respondent was absent. The appellant informed that he received the letter of the First Appellate Authority on 26.04.2018 in the afternoon. The appellant further informed that he was not allowed to inspect the record. The PIO was directed to fix the time and allow the appellant to inspect the record and provide the information as per the RTI Act. If by any chance, the inspection cannot take place due to the circumstances, the PIO was directed to bring the record at the next date of hearing.

The case was last heard on **06.11.2018**. The order is reproduced hereunder:

“The respondent present has pleaded that the appellant was asked via telephone and letters dated 29.10.2018 & 05.11.2018 to come and inspect the record and get the information he wants, but the appellant did not turn up. As per directions, the respondent has brought the record and shown to the Commission. However, since the appellant is absent and vide letter received in the Commission on 01.11.2018, has sought adjournment, the information could not be provided. The appellant is granted one more opportunity to visit the office of PIO and inspect the record. If by any chance, the inspection cannot take place due to the circumstances, the PIO is directed to bring the record at the next date of hearing. The appellant is also directed to be present otherwise the case will be decided ex-parte.”

Hearing dated 05.02.2019:

The case has come up for hearing today through **video conference facility** available in the office of the Deputy Commissioner, Jalandhar. The respondent informed that the appellant was asked to visit and inspect the record on 16.10.2018, 25.10.2018, 5.11.1028 and 22.01.2019 but the appellant did not turn up. The respondent further pleaded that as per order of the Commission, he has brought the record second time.

The appellant is absent to plead his case. Since the appellant inspite being granted many opportunities by the PIO has not inspected the record, no further course of action is required and the case is closed. However, if the appellant is still interested to seek information, he is directed to visit the office of PIO and inspect the record as per earlier order of the Commission which still stands.

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

Chandigarh
Dated: 05.02.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh Baldev Raj,
Royal County Colony, Near Taru Da Wara,
Phagwara, Distt Kapurthala..

... Appellant

Versus

Public Information Officer,
O/o Naib Tehsildar, Dhilwan,
Distt Kapurthala.

First Appellate Authority,
O/o DC,
Kapurthala

...Respondent

Appeal Case No. 1690 of 2018

Present: None for the Appellant
 Sh.Paramjit Singh, PIO O/o DC Kapurthala for the Respondent

Order: The case was first heard on **24.09.2018**. The respondent was absent. The appellant informed that he received the letter of the First Appellate Authority on 26.04.2018 in the afternoon. The appellant further informed that he was not provided the information. The PIO was directed to go through the RTI application and provide the information as per the RTI Act. The PIO was also directed to be present on the next date of hearing and explain the reasons for not attending to the RTI application within the stipulated time fixed under the RTI Act.

The case was last heard on **06.11.2018**. The order is reproduced hereunder:

“The respondent present has pleaded that the appellant was asked via telephone and letters dated 29.10.2018 & 05.11.2018 to come and inspect the record and get the information he wants, but the appellant did not turn up. As per directions, the respondent has brought the record and shown to the Commission. However, since the appellant is absent and vide letter received in the Commission on 01.11.2018, has sought adjournment, the information could not be provided. The appellant is granted one more opportunity to visit the office of PIO and inspect the record. If by any chance, the inspection cannot take place due to the circumstances, the PIO is directed to bring the record at the next date of hearing. The appellant is also directed to be present otherwise the case will be decided ex-parte.

In the last hearing, the PIO was directed to be present personally and explain the reasons for not attending to the RTI application within the stipulated time which the respondent has not submitted. The PIO is also directed to be present personally on the next date of hearing and submit explanation for delay in attending to the RTI application as per RTI Act.”

Hearing dated 05.02.2019:

The case has come up for hearing today through **video conference facility** available in the office of the Deputy Commissioner, Jalandhar. The respondent informed that the appellant was asked to visit and inspect the record on 16.10.2018, 25.10.2018, 5.11.2018 and 22.01.2019 but the appellant did not turn up. The respondent further pleaded that as per order of the Commission, he has brought the record second time.

The appellant is absent to plead his case. Since the appellant inspite being granted many opportunities by the PIO has not inspected the record, no further course of action is required and the case is closed.

Regarding delay in attending to the RTI application, the respondent has submitted a reply stating that the delay caused due to election duty of the staff and the oversight be condoned. The respondent has assured to be careful in future. The plea is accepted. However, if the appellant is still interested to seek information, he is directed to visit the office of PIO and inspect the record as per earlier order of the Commission which still stands.

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

Chandigarh
Dated: 05.02.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh Baldev Raj,
Royal County Colony, Near Taru Da Wara,
Phagwara, Distt Kapurthala..

... Appellant

Versus

Public Information Officer,
O/o Naib Tehsildar, Dhilwan,
Distt Kapurthala.

First Appellate Authority,
O/o DC,
Kapurthala

...Respondent

Appeal Case No. 1691 of 2018

Present: None for the Appellant
 Sh.Paramjit Singh, PIO O/o DC Kapurthala for the Respondent

Order: The case was first heard on 24.09.2018. The respondent was absent. The appellant informed that he received the letter of the First Appellate Authority on 26.04.2018 in the afternoon. The appellant further informed that he was not allowed to inspect the record. The PIO was directed to fix the time and allow the appellant to inspect the record and provide the information as per the RTI Act. If by any chance, the inspection cannot take place due to the circumstances, the PIO was directed to bring the record at the next date of hearing.

The case was last heard on **06.11.2018**. The order is reproduced hereunder:

“The respondent present has pleaded that the appellant was asked via telephone and letters dated 29.10.2018 & 05.11.2018 to come and inspect the record and get the information he wants, but the appellant did not turn up. As per directions, the respondent has brought the record and shown to the Commission. However, since the appellant is absent and vide letter received in the Commission on 01.11.2018, has sought adjournment, the information could not be provided. The appellant is granted one more opportunity to visit the office of PIO and inspect the record. If by any chance, the inspection cannot take place due to the circumstances, the PIO is directed to bring the record at the next date of hearing. The appellant is also directed to be present otherwise the case will be decided ex-parte.”

Hearing dated 05.02.2019:

The case has come up for hearing today through **video conference facility** available in the office of the Deputy Commissioner, Jalandhar. The respondent informed that the appellant was asked to visit and inspect the record on 16.10.2018, 25.10.2018, 5.11.2018 and 22.01.2019 but the appellant did not turn up. The respondent further pleaded that as per order of the Commission, he has brought the record second time.

The appellant is absent to plead his case. Since the appellant inspite being granted many opportunities by the PIO has not inspected the record, no further course of action is required and the case is closed. However, if the appellant is still interested to seek information, he is directed to visit the office of PIO and inspect the record as per earlier order of the Commission which still stands.

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

Chandigarh
Dated: 05.02.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh.Hakam Singh, S/o ShDarshan Singh,
R/o Madhir , Tehsil Giderbaha,
DisttShriMukatsar Sahib.

..... Appellant.

Versus

Public Information Officer,
O/o BDPO, Malout,
Distt.Shri Mukatsar Sahib.

First Appellate Authority,
O/o DDPO,
Distt.Shri Mukatsar Sahib.

...Respondent

Appeal Case No. 1776/ 2018

Present: Sh.Hakam Singh as Appellant
None for the Respondent

ORDER:

The case was first heard on **14.08.2018**. Since both the parties were absent, the case was adjourned.

The case was again heard on **08.10.2018**. Both the parties were absent. The case was adjourned. The PIO was directed to be present personally on the next date of hearing and explain the reasons for not attending to the RTI application in accordance with the RTI

The case again came up for hearing on **20.11.2018**. The appellant informed that he has not received the information so far.

The respondent was absent on 3rd consecutive hearing and did not provide the information to the appellant. The PIO 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 the PIO was directed to file an affidavit in this regard, if there are other persons responsible for the delay in providing the information, the PIO was directed to inform such persons of the show cause and direct them to appear before the Commission along with the written replies.

Hearing dated 05.02.2019:

Facts of the Case-

- 1) That the appellant Sh.Hakam Singh filed an RTI application on 23.01.2018 seeking 7 points information regarding proceeding registers of record of village Dulewale Panchayat with statement of account, grants received and other information.
- 2) That the information was not provided within the stipulated time under section 7 of the RTI Act, after which the appellant filed the first appeal on 12.03.2018 with the First Appellant Authority which took no decision on the appeal.
- 3) That on not getting the information, the appellant filed a second appeal with the State Information Commission, which first came up for hearing on 14.08.2018.

- 4) That on the date of the hearing (14.08.2018), both the parties were absent, the case was adjourned for 08.10.2018.
- 5) That on the date of hearing (08.10.2018), since both the parties were absent, the case was adjourned and the PIO was directed to be present personally on the next date of hearing with explanation for not attending to the RTI application in accordance with the RTI Act.
- 6) That on the next date of hearing, which was held on **20.11.2018** the PIO was absent yet again without intimating the commission. Also, no information had been sent to the appellant, who was present at the hearing. The PIO was '**Show Caused**' under section 20 of the RTI Act as to why a penalty should not be imposed for dereliction in handling this particular RTI application. The PIO was also directed to 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.
- 7) That the case came up for hearing today again on **05.02.2019** through Video Conference facility available in the office of Deputy Commissioner, Sri Mukatsar Sahib. The appellant informed that the information has not been provided. The PIO is absent on 4th consecutive hearing and nor has replied to the show cause.
- 8) That the appellant has pleaded that he has been harassed by not providing the information after a lapse of one year, the PIO be panelized and suitable compensation be given to the appellant for unnecessary harassment and delay in providing the information.

Order.

Keeping the above facts of the case in mind, this is a fit case to invoke section 20 of the RTI Act and impose a penalty on the PIO. Section 20 reads as follows-

'20.Penalties. – (1) Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complain or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified under sub-section (1) of section 7 or malafidely denied the request for information or knowingly given incorrect , incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall impose a penalty of two hundred and fifty rupees each day till application is received or information is furnished, so however, the total amount of such penalty shall not exceed twenty-five thousand rupees:

Provided that the Central Public Information Officer or the State Public Information Officer, as the case may be, shall be give a reasonable opportunity of being heard before any penalty is imposed on him:

Provide further that the burden of proving that he acted reasonably and diligently shall be on the Central Information Officer, as the case may be."

Since the responsibility to ensure the timely transmission of the information to the appellant lies on the PIO, the PIO-BDPO Malout 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, and for repeated and willful defiance of the Punjab State Information Commission's orders.

A penalty of **Rs.15,000/-** is hereby imposed upon the PIO, BDPO, Malout which be deposited in the Govt. Treasury. The PIO,BDPO Malout is 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.

Further, the Commission is of the view that since the appellant has had to suffer undue inconvenience to get the information, it is a fit case for awarding compensation to the appellant u/s 19(8)(b) of the RTI Act.

The PIO is 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 is directed to duly inform the Commission of the compliance of the order and submit proof of having compensated the appellant.

2) The PIO is directed to provide the information to the appellant within a week and send a compliance report to the Commission. The appellant is exempted for personal appearance.

The case is adjourned. To come up for further hearing **on 19.03.2019 at 11.00 AM.**

Chandigarh
Dated: 05.02.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh.Paramjeet Singh, S/o Sh.Jarnail Singh,
Ward No-27, Street No-11, Devindra Road,
Malout, Distt Sri Mukatsar Sahib.

... Appellant

Versus

Public Information Officer,
DPI (SE), P.S.E.B,
Phase-8, Mohali.

First Appellate Authority,
DPI (SE), P.S.E.B,
Phase-8, Mohali.

...Respondent

Appeal Case No. 1793 of 2018

Present: Sh.Paramjeet Singh as Appellant
None for the Respondent

ORDER: The case was first heard on **28.08.2018**. The respondent was absent. The PIO was directed to provide the information in accordance with the RTI Act and be present personally on the next date of hearing with explanation for his absence. The PIO was also directed to explain the reasons for not responding the RTI within the time as per the RTI Act.

The case was again heard on **08.10.2018**. The respondent present pleaded that they received the RTI application only on 15.2.2018 from their RTI cell and they have already transferred the application to DEO Ferozepur on 06.03.2018. The respondent further pleaded that DEO Ferozepur has not provided the information.

Having seen the file, it was observed that since the file is being transferred from desk to desk, the PIO was directed to coordinate with the concerned department and send the information to the appellant as per RTI application within 10 days and be present on the next date of hearing with valid explanation for delay in responding to the RTI application.

The case was last heard on **20.11.2018**. The order is reproduced hereunder:

“The respondent present has submitted a letter of the PIO dated 16.11.2018 whereby the PIO has informed the appellant that the Deputy Director (Recruitment) who was appointed as enquiry office for conducting enquiry of Sh.Harpal Singh, Math Teacher, has submitted his enquiry report which is pending for further action. The appellant is not satisfied with the reply of the PIO.

The PIO is directed to relook at the RTI application and provide the point-wise information to the appellant within 15 days. The PIO is also directed to be present personally on the next date of hearing with valid explanation for delay in responding to the RTI application.”

Hearing dated 05.02.2019:

The case has come up for hearing today through **video conference facility** available in the office of the Deputy Commissioner, Shri Mukatsar Sahib. The Commission has received a copy of letter diary No.26336 on 21.12.2018 from the PIO vide which the PIO has sent following reply to the appellant:

- Point-a Information provided.
- Point-b The name of Sh.Harpal Singh is not mentioned in the general category list of selection branch.
- Point- c to j Not available in the record

The appellant informed that he wants the merit list of the appointment. From the letter of the PIO that Sh.Harpal Singh, Math teacher has been suspended officially, there appears to be a foul play in the selection of Sh. Harpal Singh.

The PIO is absent and has not filed reply for the delay in attending to the RTI application. The PIO is directed to provide a copy of the merit list which clearly states the teacher selected. The PIO is also directed to be present personally on the next date of hearing with explanation for delay in attending to the RTI application on an affidavit otherwise the Commission will be constrained to take action under the RTI Act.

To come up for further hearing **on 27.02.2019 at 02.00 PM** through video conference facility available in the office of the Deputy Commissioner, Sri Mukatsar Sahib. The PIO to be present at Chandigarh. Copies of the order be sent to the parties ***through registered post***.

Chandigarh
Dated: 05.02.2019.

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sector-16, Madhya Marg, Near Rose Garden, Chandigarh

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Sh. Harpreet Singh, S/o Sh. Gurdev Singh,
Professor Colony, Near DAV College,
Jalalabad, Distt. Fazilka

... Appellant

Versus

Public Information Officer,
SSP,
Fazilka.

First Appellate Authority,
IGP, Ferozepur Zone,
Ferozepur

... Respondent

Appeal Case No. 1985 of 2018

Present: Sh. Harpreet Singh as Appellant
Sh. Jaswinder Singh O/o SSP Fazilka on behalf of the Respondent

The case was last heard on **30.07.2018**. **Sh. Vaibhav Sehgal** from the office of SSP Fazilka was present on behalf of the respondent. During hearing, it came to the notice of the Commission that the appellant was sent a communication by the PIO vide letter dated 20.4.2018 whereby it was stated that since Inspector Jaswant Singh has been transferred to Moga, his enquiry case has been sent to SSP Moga. Further the PIO in his communication informed that the information relating to Sh. Bhajan Singh and Sh. Kashmir Singh was third party and hence exempted u/s 8(1)(j) of the RTI act 2005.

The respondent further denied the information taking plea that the release of information, may put in danger the lives of Sh. Jaswant Singh, Sh. Kashmir Singh and Bhajan Singh, which was pleaded at time of hearing also. The respondent also informed that the enquiry has been completed.

The appellant pleaded that he is the complainant in the case and the Bureau of Investigation Punjab ordered the enquiry to SSP Fazilka on his complaint. He further pleaded that he has every right to seek the enquiry report, which is not personal but has larger public interest.

It was found that the PIO has clearly not adhered to the RTI Act and the PIO was directed to forward the application to the concerned authority i.e. SSP Moga within three days of receipt of this order and inform the appellant about the same. The PIO was also directed to submit a clear, cogent, concise submission as to how the release of information can lead to threat of life to the three. Mere assumption of threat cannot be a ground to refuse information. It should be based on some material fact and not merely on apprehension and without evidence. The PIO was directed to submit his reply to the commission within 10 days of receiving this order.

The appellant was also directed to submit a copy of the complaint, which he filed to the Director Bureau of Investigation to the commission before the next date of hearing.

The case was again heard on **25.10.2018** through video conference facility available in the office of the Deputy Commissioner, Fazilka. Sh. Jaswinder Singh from the office of the SSP Fazilka was present. The respondent reiterated his plea invoking section 8(1)(j) of the RTI Act as well as shown concern that providing the information can endanger the lives of Sh. Jaswant Singh, Sh. Kashmir Singh and Sh. Bhajan Singh. The appellant also reiterated his plea that he is seeking the copy of the enquiry report that he has filed himself. After hearing both the parties, the PIO was directed to provide action taken report on the complaint of the appellant filed against all three persons namely Sh. Jaswant Singh, Sh. Kashmir Singh and Sh. Bhajan Singh within 10 days and send compliance report to the Commission.

Appeal Case No. 1985 of 2018

The case was last heard on **03.12.2018**. The order is reproduced hereunder:

“The case has come up for hearing today through video conference facility available in the office of the Deputy Commissioner, Fazilka. The appellant informed that he has not received the action taken report of his complaint so far.

The respondent informed that the information is to be provided by the office of SSP Moga since on the transfer of Sh.Jaswant Singh from Ferozepur to Moga, the departmental enquiry was entrusted to the office of SSP Moga and the final action has also to be taken by the office of SSP Moga. The Commission has taken a serious note of this reply of the PIO and for not complying with the orders of the Commission. The Commission makes Sh.Jaswinder Singh as deemed PIO and hereby directs him to collect the information from the office of SSP Moga and provide the same to the appellant within a week and send compliance report to the Commission.”

Hearing dated 05.02.2019:

The case has come up for hearing today through video conference facility available in the office of the Deputy Commissioner, Fazilka. The respondent present pleaded that the information has been provided to the appellant. The appellant stated that the information is not legible. The PIO is directed to provide legible certified copy of the information to the appellant.

No further course of action is required. The case is **disposed off and closed**.

Chandigarh
Dated: 05.02.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

PUNJAB, STATE INFORMATION COMMISSION
Sector-16, Madhya Marg, Near Rose Garden, Chandigarh

Ph No- 0172-2864114 Visit us @ www.infocommpunjab.com
E-mail-Psicsic30@punjabmail.gov.in

Sh.Manohar Lal, S/o Sh.Dhana Ram,
Near Shri Jain School, Shiv Puri road,
Fazilka.

.....Appellant.

Versus

Public Information Officer,
XEN, PSPCL,
Fazilka.

First Appellate Authority,
Chief Engineer, Distribution (West Zone),
PSPCL, Bathinda

...Respondent

Appeal Case No. 2510 of 2018

Present: Sh.Manohar Lal as Appellant
Mrs. Anita Rani, Superintendent O/o Xen PSPCL Fazilka for the Respondent

ORDER:

The case was first heard on 29.10.2018. The respondent present informed that the information has been provided to the appellant vide letter dated 08.03.2018 and again vide letter dated 26.10.2018. The appellant was not satisfied with the information.

Having gone through the RTI application and the information provided by the respondent it was observed that the information regarding point 1 was in order. Regarding points 2, 3 & 7, the respondent informed that the record being very old is not available and cannot be created separately. The PIO was directed to conduct an enquiry and fix accountability under whose custody the record went missing.

Regarding point No.5, the appellant was asked to inspect the record and clarify the information he wants. The PIO was directed to relook this point and provide the information.

Regarding point No.6, the appellant was asked to clarify the date of notification and the PIO was directed to provide the copy of notification.

The case was last heard on **04.12.2018**. The order is reproduced hereunder:

“The respondent has provided the report regarding missing record to the appellant. The respondent has also provided information regarding point 5 to the best possible extent.

Regarding points 3 & 4, the respondent pleaded that the information is voluminous in nature as a number of electric connections have been issued in the jurisdiction of Fazilka city, so information cannot be prepared. The appellant is directed to clarify the particular numbers of 20 connections regarding point 3 & 4 and the respondent is directed to provide the information for these connections.”

Hearing dated 05.02.2019:

The respondent present pleaded that an enquiry was conducted by a team of four members (comprising Xen, SDO, Superintendent and Accountant) and the enquiry report has been provided to the appellant. Regarding points 3 & 4, the respondent informed that the appellant has not clarified the particular number of 20 connections as per order of the Commission.

The appellant is directed to clarify the particular numbers of 20 connections regarding point 3 & 4 as per earlier order which still stands and get the information. The PIO is directed to provide the information for these connections.

Since the RTI application has been handled by the PIO to the best possible extent, no further cause of action is left. The case is **disposed off and closed**.

Chandigarh
Dated: 05.02.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh Harpreet Singh, S/o Sh Gurdev Singh,
Professor Colony, Near DAV College,
Jalalabad, Distt Fazilka.

Appellant.

Versus

Public Information Officer
O/o SSP,
Fazilka.

First Appellate Authority,
O/o IG, Police Ferozepur Range,
Ferozepur.

...Respondent

Appeal Case No. 3230 of 2018

Present: **Sh.Harpreet Singh as Appellant**
 Sh.Jaswinder Singh SI and Sh.Dalip Singh ASI O/o SSP Fazilka for the
 Respondent

ORDER: The case was last heard on **05.12.2018**. The order is reproduced hereunder:

“The appellant through RTI application dated 18.06.2018 has sought information regarding a departmental enquiry on the complaint against Sh.Bagicha Singh No.140/Fazilka which was ordered vide letter No.2087-CP-FZK dated 30.11.2017 and other information concerning the office of SSP Fazilka. The appellant was not satisfied with the reply of the PIO vide letter dated 03.07.2018 whereby the PIO denied the information citing that the information being personal is exempted u/s 8(1) of the RTI Act. On being denied the information, the appellant filed first appeal before the First Appellate Authority on 14.08.2018 which took no decision on the appeal.

The respondent present has informed that the departmental enquiry report has been sent to the appellant vide letter dated 10.11.2018 and a copy of the same is submitted to the Commission. The appellant is absent and vide email has sought adjournment due to medical problem. The adjournment is granted.”

Hearing dated 05.02.2019:

The case has come up for hearing today through video conference facility available in the office of the Deputy Commissioner, Fazilka.

The respondent present pleaded that the information has already been provided to the appellant vide letter dated 10.11.2018. The appellant informed that he has received the information but with a delay of five months.

Since the information has been provided, the case is **disposed off and closed** with a warning to the PIO to be careful in future in attending to the RTI applications within the time prescribed under the RTI Act.

Chandigarh
Dated: 05.02.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh Mangal Singh,
296, SJS Avenue, Ajnala Road,
Amritsar.

.... Appellant.

Versus

Public Information Officer
O/o Deputy Chief Er. ,
Operational, Sub Urban Circle,
PSPCL, Amritsar.

First Appellate Authority,
O/o Deputy Chief Engineer,
Border Zone, PSPCL,
Amritsar.

...Respondent

Appeal Case No. 3403 of 2018

Present: Sh.Mangal Singh as Appellant
Sh.Naval Kishore, Addl. SDO O/o Dy. CE, PSPCL Amritsar

ORDER:

The case was last heard on 03.12.2018. The order is reproduced hereunder:

“The appellant through RTI application dated 01.06.2018 has sought information regarding action taken on his letter dated 01.06.2018 concerning the office of Deputy Chief Er. Operational, Sub Urban Circle, PSPCL, Amritsar. The appellant was not provided the information after which he filed first appeal before the First Appellate Authority on 18.07.2018 which took no decision on the appeal.

The respondent present has pleaded that the information has been provided to the appellant vide letter dated 24.08.2018. The appellant is absent and vide email has sought adjournment.”

Hearing dated 05.02.2019:

The case has come up for hearing today through video conference facility available in the office of the Deputy Commissioner, Amritsar.

The respondent present informed that the information has been provided to the appellant. The appellant informed that he has not received the information. The PIO is directed to resend the information to the appellant through registered post within 3 days. The PIO is also directed to send compliance report to the Commission.

No further course of action is required. The case is **disposed off and closed**.

Sd/-

Chandigarh
Dated: 05.02.2019

(Khushwant Singh)
State Information Commissioner