

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden, Sector 16, Chandigarh
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Sh. Bhupinder Singh, S/o Sh. Gurjail
Singh, Village Bahmna Basti,
Tehsil Samana, Distt. Patiala.

...Appellant

Versus

Public Information Officer,
O/o DC, Patiala.

First Appellate Authority,
O/o Commissioner, Patiala Division,
Patiala

Respondent

Appeal Case No. 411 of 2019

PRESENT: Sh. Bhupinder Singh as the Appellant
Sh. Naveen Mittal, PIO-cum-Xen O/o PWD(B&R) Patiala for the Respondent

ORDER:

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

The case has already been heard on 13.03.2019, 29.07.2019, 04.11.2019, 15.01.2020, 28.05.2020, 20.07.2020, 24.09.2020 & 04.11.2020, 01.12.2020, 02.02.2021, 18.05.2021, 31.08.2021 & 01.12.2021.

On the date of the hearing on 20.07.2020 and 24.09.2020, the PIO-PWD (B&R) was absent nor had complied with the order of the Commission to send the information to the appellant. The PIO-PWD(B&R), Patiala was issued a **show-cause notice on 24.09.2020 under Section 20 of the RTI Act 2005 and directed to file a reply on an affidavit. The PIO was again directed to provide the information within 10 days of the receipt of the order.**

On the date of hearing on 04.11.2020 and 01.12.2020, the PIO-PWD(B&R) was again absent nor had complied with the order of the Commission to file a reply to the show-cause notice and to provide the information. A bailable warrant Under Section 18(3) of the RTI Act of the PIO-PWD(B&R), Patiala was issued through Senior Superintendent of Police, Patiala for his presence before the Commission on **02.02.2021. The PIO was also directed to provide information to the appellant within 10 days of the receipt of this order.**

On the date of hearing on **02.02.2021**, the appellant claimed that the PIO has not provided the information. Sh. Naveen Mittal, Xen-cum-PIO PWD(B&R) was present and informed that the land for rest house was provided by the Administration in the year 2005-06, however, no formal document is available in their record and the reply was sent to the appellant vide letter dated 17.07.2020. The PIO-PWD(BR) was directed to give this in writing on an affidavit that no letter/document is available in their record regarding the information relating to point-2.

The Commission further observed that the appellant to collect the information had to suffer undue inconvenience, the PIO-PWD(B&R), Patiala was directed to pay an amount of **Rs.2500/-** via demand draft drawn as compensation to the appellant and submit proof of having compensated the appellant. The PIO-PWD(B&R) was also directed to file a reply to the show-cause notice.

On the date of the last hearing on **18.05.2021**, as per the respondent, the compensation amount of Rs.2500/- had been paid to the appellant and an affidavit relating to point-2 had also been provided to the appellant. The appellant had received the same.

The appellant, however, informed that the information regarding point-1 has not been provided by the PIO-Director-Land Records.

However, the Commission observed that in the order dated 28.05.2020, it was recorded that as per letter received in the Commission on 31.01.2020 from the PIO-Director, Land Records, the information had been sent to the appellant vide letter dated 28.01.2020 with a copy to the Commission. Hence, a copy of the information received from the PIO-Land Records was sent to the appellant along with the order.

With the above, the information had been provided and no further arguments to be taken up regarding the information. The PIO-PWD(B&R) however, did not file a reply to the show-cause notice. The PIO-PWD(B&R) was given one last opportunity to file a written reply to the show-cause notice.

On the date of the last hearing on **31.08.2021**, the PIO-PWD(B&R) was again absent nor had filed any reply to the show-cause notice.

The PIO-PWD(B&R) was given one last opportunity to file a reply to the show-cause notice and appear before the Commission personally on the next date of hearing otherwise it will be presumed that the PIO has nothing to say in the matter and the decision will be taken ex-parte. In the reply, the PIO must clarify that who was the PIO when the first show cause was issued and the PIO when the commission had impleaded the PIO PWD (B&R) in the case.

On the date of hearing on **01.12.2021**, **both** the parties were present at DAC Patiala. However, the hearing could not take place since there was some other meeting going on in DAC Patiala. As per record, the Commission did not receive any reply to the show-cause notice from the PIO.

Hearing dated 05.04.2022:

The case has come up for hearing today through video conferencing at DAC Patiala. Sh.Naveen Mittal, PIO is present at Chandigarh and has submitted his reply to the show cause notice by way of an affidavit which has been taken on record. In the said affidavit, the PIO has mentioned that the available information has been supplied and the compensation amount has been paid to the appellant and that there is no other documents in their record relating to the land on which the rest house is constructed since the land was made available by the District Administration in the year 2005-06. The respondent has further informed that an affidavit in this regard has already been provide to the appellant.

With the above, the matter relating to point-2 stands settled.

The appellant however, pleaded that matter relating to khasra No.208 regarding point-1 is still unresolved since neither the department of land record nor DC office has supplied the information.

Having gone through the RTI application and hearing both the parties, the PIO-DC Patiala is again impleaded in the case and directed to relook at the RTI application and sort out the matter relating to point-1 of the RTI application.

The case is adjourned. To come up for further hearing on **30.05.2022 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Patiala.

Chandigarh
Dated 05.04.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to: 1. PIO-Director Land Records,
Kapurthala Road, Jalandhar

2. PIO-PWD(B&R), Patiala

PUNJAB STATE INFORMATION COMMISSION
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Sh.Gurinder Singh Sodhi,
R/o 47, Bank Colony,
Patiala

Appellant

Versus

Public Information Officer,
O/o Principal Secretary,
Local Govt. Department, Sector 35,
Chandigarh.

First Appellate Authority,
O/o Additional Director,
Local Govt. Department, Sector 35,
Chandigarh

Respondents

Appeal case No.2101 of 2020

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

ORDER: Facts of the case:-

That the appellant, through RTI application dated 23.03.2018 has sought information regarding CPW No.19788 of 2015 Gora Lal Jindal v/s State of Punjab – a document filed before the High Court and other information concerning the office of Principal Secretary, Local Govt. Department, Punjab Chandigarh. The appellant was not provided with the information after which the appellant filed the first appeal with the first appellate authority on 28.07.2018 which took no decision on the appeal.

That on the date of the first hearing on 09.11.2020, the appellant claimed that the PIO has not provided the information.

The respondent was absent. Having gone through the file, the Commission observed that the PIO had written a letter on 26.02.2020 to Sh. Gora Lal for seeking his consent under section 11 (Third Party Information) of the RTI Act, whereas per a copy of the letter received by the Commission from the PIO on 06.11.2020, the PIO had denied the information under section 8(h) of the RTI Act.

Since in the communication to the Commission the PIO had applied Section 8 (h) for denial of information, the PIO was directed to explain why he had applied this particular section. Merely stating the section without citing any plausible reason is not acceptable to deny information.

That on the date of hearing on 01.12.2020, the appellant claimed that the PIO has not provided the information.

The respondent was absent on 2nd consecutive hearing. Since there had been an enormous delay of more than two years in providing the information. the PIO was issued a **show-cause notice under Section 20 of the RTI Act 2005 and directed to file a reply on an affidavit.** The PIO was again directed to provide the information within 10 days of the receipt of this order.

That on the date of the hearing on **02.02.2021**, the respondent submitted a reply to the show-cause notice which was taken on the file of the Commission. In the reply, the respondent stated that since the court case is still pending, the information cannot be provided. The case was adjourned.

That on the date of hearing on **18.05.2021**, as per the appellant, the PIO had not provided the information. The respondent was absent. The case was adjourned.

That on the date of hearing on **31.08.2021**, the respondent reiterated his earlier plea that since the court case is pending, the information cannot be provided. The respondent also cited the order of Punjab Govt dated 09.08.2021 giving reference to the decision dated 13.11.2019 of Hon'ble Supreme court of India in Civil Appeal No.10044 of 2010 titled CPIO-Supreme Court of India Vs Subhash Chandra Agarwal.

However, the PIO could not show any sufficient evidence which proves that the revelation of information will impede the process of court proceedings or there has been a bar to providing the above-sought information. Moreover, the PIO had taken two different propositions under sections 1 & 8(h), while holding on to this information, which made the reason for holding the sought information sound ambiguous and weak. Hence, the plea of the PIO to deny the information was found invalid. The PIO was directed to provide information to the appellant within 15 days and send a compliance report to the Commission.

That on the date of the last hearing on **01.12.2021 held through** video conferencing at DAC Patiala/ Mohali, as per information from DC office Patiala, the appellant was present at DAC Patiala but could not be heard since there was some other meeting going on in DAC Patiala.

The respondent was present at Chandigarh and submitted his reply which was taken on the file of the Commission. In the reply, the PIO reiterated his earlier plea that since the court case is pending, the information cannot be provided. The PIO further mentioned in the letter that as per the opinion of their legal officer, they have supplied the office notings relating to the filing of reply in the Writ Petition No.19788 of 2015.

The Commission observed that instead of complying with the order of the Commission, the PIO has accepted the opinion of the legal officer as an argument to escape the directions passed by the Commission.

It was made clear to the respondent that the very denial to implement the order is a contempt of the order of the Punjab State Information Commission since the commission had clearly asked for the order to be implemented and not sought reasons whether this order can be implemented or not. The logical corollary is that the legal opinion taken by the department is of no avail and is rejected.

Since the order had already been passed, the PIO was directed to ensure the compliance with the directions passed earlier, or else face penal consequences. Principal Secretary, Local Govt. Punjab was directed to ensure compliance with this order.

That the case has come up for hearing **today on 05.04.2022**, through video conferencing at DAC Patiala. As per the appellant, the PIO has not supplied the information.

The respondent is absent nor has complied with the order of the Commission as well as not appearing before the Commission.

Appeal case No.2101 of 2020

Keeping the above-mentioned facts of the case, it is clear that the PIO-O/o Principal Secretary, Local Govt. Department, Sector 35, Chandigarh is flouting the spirit of the RTI Act continuously. The PIO has not only shown utter disregard for the Commission's repeated orders to provide the information but has shown willful stubbornness in not appearing before the commission despite various orders of the Commission.

To secure an erring PIO's presence before the commission, the Information Commission is empowered to issue warrants to the PIO Under Section 18(3) of the RTI Act. A bailable Warrant of the PIO-O/o Principal Secretary, Local Govt. Department, Pb Sector 35, Chandigarh is hereby issued through Senior Superintendent of Police, Chandigarh for his presence before the Commission on **16.05.2022**.

The PIO is given one last opportunity to bring entire record relating to this RTI application to the Commission.

The appellant is also directed to appear at Chandigarh on the next date of hearing to inspect the record.

To come up for compliance on **16.05.2022 at 11.00 AM at Chandigarh**.

Chandigarh
Dated: 05.04.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

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

In case: Gurinder Singh Sodhi V/s PIO-Principal Secretary, Local Govt. Department, Pb, Chandigarh.

APPEAL CASE NO.2101/2020

UNDER SECTION 18 OF THE RIGHT TO INFORMATION ACT, 2005

Next Date of Hearing: **16.05.2022**

To

**The Senior Superintendent of
Police, Chandigarh.**

Whereas PIO-O/o Principal Secretary, Local Govt. Department, Pb Sector 35, Chandigarh has failed to appear before the State Information Commissioner, Punjab despite the issuance of notice/summon in the above mentioned appeal case. Therefore, you are hereby directed to serve this bailable warrant to the PIO-O/o Principal Secretary, Local Govt. Department, Pb Sector 35, Chandigarh to appear before the undersigned at Red Cross Building, Near Rose Garden, Sector 16, Chandigarh on **16.05.2022 at 11.00A.M.**

**Chandigarh
Dated: 05.04.2022**

**(Khushwant Singh)
State Information Commissioner**



Sh Harvinder Singh, S/o Sh Labh Singh,
Baraich colony, Samana,
Distt Patiala.

... Appellant

Versus

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

First Appellate Authority,
O/o Director,
Health Deptt, Pb,
Sector-34, Chandigarh.

...Respondent

Appeal Case No. 2677 of 2021

PRESENT: Sh.Harvinder Singh as the Appellant
Dr.S. J. Singh for the Respondent

ORDER:

The appellant through an RTI application dated 02.03.2021 has sought a copy of the receipt of the letter under which the age certificate No.10/480 dated 19.04.2010 was deposited in the office of Civil Surgeon Patiala – a copy of dispatch register if the certificate was sent to other department and other information as enumerated in the RTI application concerning the office of Civil Surgeon Patiala. The appellant was not provided with the information after which the appellant filed a first appeal before the First Appellate Authority on 03.04.2021 which took no decision on the appeal. After filing the first appeal the PIO sent a reply on 27.04.2021 to which the appellant was not satisfied and filed 2nd appeal in the Commission on 08.06.2021.

The case last came up for hearing on 05.01.2022 through video conferencing at DAC Patiala. The appellant claimed that the PIO has not supplied the information.

The respondent present pleaded that due to the shifting of the office building, the record has been misplaced and the information cannot be provided.

The Commission made it clear that simply writing that the record is missing is not acceptable until an enquiry is conducted and the enquiry report is submitted which established that the record is missing and the responsibility has been fixed for the person under whose custody the record found missing.

The Department was directed to conduct an enquiry into the matter by constituting a Committee. It was further directed to submit a complete enquiry report, which establishes that the record is missing and the responsibility has been fixed for the person/persons under whose custody the record went missing and appropriate action has been taken under the department rules.

Hearing dated 05.04.2022:

The case has come up for hearing today through video conferencing at DAC Patiala. The respondent present pleaded that in compliance with the order of the Commission, a committee was constituted to conduct an enquiry regarding the missing record and a copy of the enquiry report of the enquiry conducted by the Committee has been sent to the Commission vide letter dated 29.03.2022. The Commission has received the same which has been taken on record.

Having gone through the enquiry report, the Commission observes that it has been clearly mentioned in the enquiry report that the certificate was issued by the office of Civil Surgeon Patiala which was supplied to Sh.Labh Singh by hand for submission of the same to Tehsildar Samana.

Given the facts above, it is clear that since the certificate was issued by the office of Civil Surgeon Patiala as per their record, hence the PIO is directed to make a provision to issue a duplicate certificate to the appellant within 15 days of the receipt of the order and send a compliance report to the Commission.

With the above order, the case is **disposed of and closed**.

Chandigarh
Dated: 05.04.2022

Sd/-
(Khushwant Singh)
State Information Commission



Sh Navdeep Gupta,
04, Nimrit Villa,
Mansahia Colony, Patiala.

... Appellant

Versus

Public Information Officer,
O/o Director,
Food & Supplies,
Sec-39-C, Chandigarh.

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

...Respondent

Appeal Case No. 4035 of 2020

PRESENT: None for the Appellant
None for the Respondent

ORDER:

The appellant through an RTI application dated 27.08.2020 has sought information regarding 24.69 lakhs ration packets distributed during the lockdown period to the poor and labour class – district wise details of discrepancy in data updated by Covid-19 control room – responsibility fixed for the gap of actual packets prepared for the purpose and distributed – Amount received from the State Govt and Central Govt. – printing cost of the inscription on 24.69 lacs ration packets and other information as enumerated in the RTI application concerning the office of Director Food & Supply Pb Chandigarh. The appellant was not provided with the information after which the appellant filed the first appeal before the First Appellate Authority on 27.10.2020 which took no decision on the appeal.

The case first came up for hearing on 09.08.2021 through video conferencing at DAC Patiala/Mohali. The appellant claimed that the PIO had not provided the information.

The respondent was absent without any legitimate reasons for the absence. There had been an enormous delay of one year in providing the information. The PIO was directed to explain the reasons for not attending to the RTI application within the time prescribed under the RTI Act. The PIO was again directed to provide information to the appellant and send a compliance report to the Commission.

On the date of the last hearing on **13.12.2021**, as per the appellant, the information was not supplied by the PIO.

The respondent appeared at Chandigarh and submitted a reply which was taken on the file of the Commission.

Appeal Case No. 4035 of 2020

A copy of the reply was sent to the appellant along with the order. The appellant was directed to file his reply to the PIO with a copy to the Commission.

Hearing dated 05.04.2022:

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

The appellant vide email has sought adjournment. The commission has also received a reply of the appellant on 10.02.2022 which has been taken on record.

The case is adjourned. To come up for further hearing on **10.05.2022** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Patiala. The PIO to appear at Chandigarh.

Chandigarh
Dated: 05.04.2022

Sd/-
(Khushwant Singh)
State Information Commissioner