

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden, Sector 16, Chandigarh.
Ph: 0172-2864114, Email: - psicsic30@punjabmail.gov.in
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Sh. Surinder Kumar, S/o Lt Sh Kashmiri Lal,
R/o H No-4004, Mohalla Patel Nagar,
Jandiala Guru, Distt Amritsar.

... Complainant

Versus

Public Information Officer,
O/o SSP,
Amritsar.

...Respondent

Complaint Case No. 182 of 2021

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

ORDER:

The complainant through RTI application dated 05.10.2020 has sought information regarding action taken on the complainant dated 04.04.2020 filed online against Jasdev Singh, Gurbhagat Singh, inspectors food supply department Jandiala Guru and other information as enumerated in the RTI application from the office of DGP Pb Chandigarh which transferred the same to SSP Amritsar u/s 6(3) of the RTI Act. The complainant was not provided with the information after which the appellant filed a complaint in the Commission on 05.02.2021.

The case first came up for hearing on 13.07.2021 through video conferencing at DAC Amritsar. As per the complaint, the PIO had not provided the information.

Since it was a complaint case and the complainant had come to the Commission without going to the First Appellate Authority, the case was remanded back to the First Appellate Authority with the direction to consider this as an appeal case and dispose of the same within a period of 30 days as per the RTI Act.

The Commission, however, observed that the RTI application was filed on 05.12.2020 but the PIO had chosen not to reply to the RTI application. As per section 7 (2) of the RTI Act, if the PIO fails to give information within thirty days, the PIO shall be deemed to have refused the information. The PIO-SSP Amritsar was directed to explain the reasons for not attending to the RTI application within the time prescribed under the RTI Act and be present on the next date of hearing.

On the date of the hearing on **09.11.2021**, the appellant informed that despite the directions of the First Appellate Authority, the PIO has not supplied the information.

The respondent was absent as well as not sent an explanation for not attending to the RTI application within the time prescribed under the RTI Act.

The PIO was afforded one more opportunity to explain the reasons for not attending the RTI application on time, as prescribed under section 7 of the RTI Act.

On the date of last hearing on **16.03.2022**, both the parties were absent. The case was adjourned.

Complaint Case No. 182 of 202

Hearing dated 06.07.2022:

The case has come up for hearing today through video conferencing at DAC Amritsar. The Commission has received a reply from the PIO through email stating that the case relates to the complaint filed by Sh.Surinder Singh with DGP Punjab against Sh.Jasdev Singh, Gurbhagat Singh, Inspector Food Supply, Jandiala Guru and since the complaint is pending investigation in Police Station Jandiala Guru, the information cannot be provided. A copy of the statement of Sh.Surinder Singh is being attached.

The appellant is absent.

Earlier order stands. The case is adjourned.

To come up for further hearing on **23.11.2022 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Amritsar.

Chandigarh
Dated: 06.07.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

**CC to First Appellate Authority-cum-
Inspector-General of Police (Border Range)
Amritsar.**

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Sh. Amritpal Singh (9815362281)S/o Sh. Avtar Singh,
R/o # 263/A/13,
Gali No. 8, Hussainpura East,
Amritsar.

...Appellant

Versus

Public Information Officer,
O/o The Commissioner,
Municipal Corporation, Amritsar.

First Appellate Authority
O/o The Commissioner,
Municipal Corporation, Amritsar.

...Respondents

APPEAL CASE NO. 2071 OF 2021

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

ORDER:

The appellant, through an RTI application dated 05.02.2021 has sought information on 02 points regarding a copy of the rule/document on the basis of which technical work is being taken from the tubewell operators – a copy of the RFP as per the MC letter dated 18.09.2019 and other information as enumerated in the RTI application from the office of Commissioner, MC Amritsar. The appellant was not provided with the information, after which the appellant filed a first appeal before the first appellate authority on 08.03.2021, which did not decide on the appeal.

The case first came up for hearing before Sh.Heminder Singh, State Information Commissioner on 31.08.2021. The appellant claimed that the PIO has not supplied the information.

The respondent was absent. The PIO was directed to file written submission and appear on the next date of hearing personally.

On the next date of hearing on 11.11.2021, the appellant informed that he has received the information on point-1 but the PIO has not supplied the information on point-2.

Sh.Mandeep Singh, Xen was present on behalf of the PIO who informed that the information relating to point-2 relates to their other department. The PIO was directed to procure the information on point 2 from the concerned department and supply to the appellant.

The case has come up for **hearing today before this Bench through** video conferencing at DAC Amritsar.

The appellant claims that the information that was provided by the PIO relates to point 2 and the information on point 1 is pending.

APPEAL CASE NO. 2071 OF 2021

The respondent is absent nor is represented as well as not complied with the order of the Commission to provide the complete information. There has been an enormous delay in providing the information. The Commission has taken a serious view of this and hereby directs the PIO to **show cause why penalty be not imposed on him under section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time. He/she should file an affidavit in this regard.** If there are other persons responsible for the delay in providing the information, the PIO is directed to inform such person(s) of the show cause and direct them to appear before the Commission along with the written replies. The PIO is also directed to inform the details of PIOs (Name of PIO- period of stay – present posting) from the date of filing of the RTI application.

To come up for further hearing on **29.11.2022 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Amritsar.

Chandigarh
Dated: 06.07.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh. Jaswant Sarpal, (9465477771)
R/o H. No. 2220/2, Arian Street,
I/S Mahan Singh Gate, Amritsar.

...Appellant

Versus

Public Information Officer,
O/o The Commissioner,
Municipal Corporation, Amritsar.

First Appellate Authority
O/o The Commissioner,
Municipal Corporation, Amritsar.

...Respondents

APPEAL CASE NO. 3620 OF 2021

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

ORDER:

The appellant, through an RTI application dated 28.05.2021 has sought information on 12 points regarding the sealing of the building in Aug.2020 in Maha Singh Gate Chowk by MTP-MC – number of building sealed – the process of action taken before sealing – name and designation of the MTP/Joint Commissioner and Commissioner while sealing the building – final order passed before the sealing – a copy of the notings having orders of the Commissioner –a copy of order of the Commissioner – copy of the notings on the basis of which items for sealing was purchased as enumerated in the RTI application from the office of Commissioner, MC Amritsar. The appellant was not provided with the information, after which the appellant filed a first appeal before the first appellate authority on 28.06.2021, which did not decide on the appeal.

The case first came up for hearing before Sh.Heminder Singh, State Information Commissioner on 02.11.2021. Both the parties were absent.

The PIO was directed to provide information to the appellant with a copy to the Commission.

The case has come up for **hearing today before this Bench through** video conferencing at DAC Amritsar.

The appellant claims that the PIO has not provided the information.

The respondent is absent nor is represented as well as not supplied the information. The Commission has taken a serious view of this and hereby directs the PIO to provide 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 intimate action against the PIO under section 20 of the RTI Act.

To come up for further hearing on **29.11.2022 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Amritsar.

Chandigarh
Dated: 06.07.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

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Ms. Ekta Nayar D/o Sh. Vinod K Khosla (9878667966)
229, Tilak Nagar,
Amritsar-143001.

...Appellant

Versus

Public Information Officer,
O/o Municipal Corporation,
Amritsar.

First Appellate Authority
O/o The Commissioner,
Municipal Corporation,
Amritsar.

...Respondents

APPEAL CASE NO. 3621 OF 2021

PRESENT: None for the Appellant
Smt.Kulwinder Kaur, Building Inspector for the Respondent

ORDER:

The appellant, through an RTI application dated 04.06.2020 has sought information on 16 points regarding the date of submission of ground plan for plot at 33 Joshi Colony by Rita Nayyat or Aseem Nayyat of Joshi Colony, Amritsar – date of sanction of plan – construction going on is legal or authorised – notice given to the owner for illegal construction – land use if changed – copy of order regarding change of land use – direction for taking action for illegal construction - action taken on Formos Restaurant and other information as enumerated in the RTI application from the office of MC Amritsar. The appellant was not provided with the information, after which the appellant filed a first appeal before the first appellate authority on 05.08.2020, which did not decide on the appeal.

The case has already been heard by Sh.Hemlinder Singh, State Information Commissioner on 16.02.2021, 04.05.2021, 20.07.2021, 15.09.2021 29.09.2021 14.10.2021, 02.11.2021 & 17.11.2021.

On the date of hearing on 16.02.2021, the respondent Smt.Kulwinder Kaur was present and informed that the information has already been provided to the appellant.

The appellant claimed that the PIO has not supplied the complete information.

Hearing both the parties, the PIO was directed to file an affidavit from the respondent-PIO duly attested by the Notary Public that the information has been provided and no more information is available in the record.

On the date of hearing on 20.07.2021, the appellant claimed that the affidavit provided by the PIO was not correct and not as per the order of the Commission. The PIO was directed to file a fresh affidavit giving a detailed reply point-wise.

On the date of hearing on 20.09.2021, 14.10.2021, 02.11.2021 & 17.11.2021, the respondent was absent nor had complied with the order of the Commission. Viewing the delaying attitude of the respondent-PIO, a show-cause notice was issued to Sh.Narinder Sharma, MTP-cum-PIO on 17.11.2021 with the direction to file a reply on an affidavit.

APPEAL CASE NO. 3621 OF 2021

The case has come up for **hearing today before this Bench through** video conferencing at DAC Amritsar.

The appellant is absent and vide email has sought exemption.

The respondent Smt.Kulwinder Kaur is present The respondent has sought some more time to provide a point-wise reply.

Sh.Narinder Sharma-MTP-cum-PIO is continuously absent on the 4th consecutive hearing nor has filed any reply to the show cause which means the PIO has nothing to say on the matter.

Since the responsibility to ensure the timely transmission of the information to the appellant lies on the PIO and Sh.Narinder Sharma, MTP (now transferred and posted at MC Moga) was the PIO when the RTI application was filed and show cause was used, Sh.Narinder Sharma, MTP-MC Amritsar (now transferred and posted in MC Moga) 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. The PIO is also held guilty of repeated defiance of the orders of the Punjab State Information Commission to provide the information. Moreover, the PIO has chosen not to reply to the show cause, which can be inferred that the PIO has nothing to say on the matter.

Hence, given the above facts a penalty of **Rs.15,000/-** is imposed on the Sh.Narinder Sharma, MTP-MC Amritsar (now transferred and posted at MC Moga) will be deposited in the Govt. Treasury. The PIO is directed to duly inform the Commission about the compliance of the orders by producing a copy of the challan as evidence of depositing the penalty in the Govt Treasury.

The present PIO is again directed to comply with the earlier order of the Commission and provide a fresh affidavit giving a point-wise reply to the appellant within 15 days of the receipt of the order with a copy to the Commission.

To come up for further hearing on **29.11.2022 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Amritsar.

Chandigarh
Dated: 06.07.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to :Sh.Narinder Sharma, MTP
Municipal Corporation, Moga.
(Earlier MTP-cum-PIO, MC Amritsar)