

PUNJAB STATE INFORMATION COMMISSION
RED CROSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGARH
Tele No. 0172-2864112, FAX No. 0172-2864125, Visit us @ www.infocommpunjab.com
Email: psic22@punjabmail.gov.in

Sh. Gurmeet Singh,
S/o Niranjan Singh,
R/o V.P.O- Thuhi, Tehsil-Nabha,
Distt. Patiala.

Appellant

Versus

Public Information Officer,
O/o Block Development and Panchayat Officer,
Nabha.

First Appellate Authority,
O/o District Development and Panchayat Officer,
Patiala.

Respondents

Appeal Case No.3260/2018

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal
13.04.2018	Nil	09.07.2018	Nil	21.09.2018

Present: **Sh. Gurmeet Singh, Appellant in person.**
 Sh. Deepak Jindal, Jr. Assistant, BDPO Office, Nabha – for Respondents.

ORDER

Having failed to procure the information after filing an application on 13.04.2018 and first appeal on 09.07.2018, the appellant has been constrained to file second appeal with the Commission. He is seeking a basic information about the various facets of functions of the Panchayat Samiti, Nabha.

Sh. Deepak Jindal appearing on behalf of the respondents feign ignorance about the receipt of original application and first appeal. The stance is tenuous and un-believable. The appellant has duly sent the application enclosing a postal order under registered post. He has shown a copy of the postal receipt and certificate of delivery of documents to the respondents.

The respondent assures that they will provide the information before the next date of hearing. Regardless of the prospective compliance as has been maintained by the respondents they have rendered themselves liable for penal action

Sh. Surinder Singh, PIO – cum – BDPO, Nabha is issued a show cause notice to explain in a self-attested affidavit as to why a penalty @ Rs.250/- per day of delay subject to maximum of Rs.25,000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on him for causing willful delay / denial of the information to the RTI applicant and why the compensation be not awarded to the Appellant under Section 19(8)

Appeal Case No.3260/2018

(b) of the Act for the detriment suffered by him.

In addition to the written reply, the PIO is also given an opportunity under Section 20(1) proviso thereto, for a personal hearing before the imposition of such penalty on the next date of hearing. He may take note that in case he does not file his written reply and does not avail himself of the opportunity of personal hearing on the date fixed, it will be presumed that he has nothing to say and the Commission shall proceed to take further proceedings against him ex parte.

To come up on **22.01.2019 at 11.30 AM.**

Sd/-

06.12.2018

**(Yashvir Mahajan)
State Information Commissioner**

CC: Sh. Surinder Singh, PIO – cum – Block Dev. & Panchayat Officer, Nabha, for n/a.

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Sh. Rajesh Kumar Bharti,
R/o #70/2 Gali No. 15-14 B,
Sawatantar Nagar, Narela, Delhi-40.

Appellant

Versus

Public Information Officer,
O/o Executive Officer,
Municipal Council,
Zirakpur, Distt. Mohali.

First Appellate Authority,
O/o Additional Director,
Local Government,
Plot No. 3, Dakshin Marg, Sector-35A, Chandigarh.

Respondents

Appeal Case No.3265/2018

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal
15.04.2018	Nil	24.05.2018	Nil	21.09.2018

Present: **Sh. Rajesh Kumar Bharti, Appellant in person.**
 Sh. Vikas Kumar, Clerk, O/o Director, Local Government, Punjab – for Respondents.

ORDER

Having failed to procure the information vide his application dated 24.05.2018 and first appeal, the appellant has been constrained to file second appeal with the Commission. He is seeking information primarily relating to the specifications of a road and the encroachments thereof, if any. The respondents have snow-walled his application for information despite following the proper course.

Sh. Vikas Kumar, Clerk O/o Director, Local Government, Punjab, is present. He says that his application was duly forwarded to the PIO, O/o Municipal Council, Zirakpur. None is present on behalf of the PIO, O/o M.C., Zirakpur nor any written reply has been received to the notice of the Commission.

The Commission takes a very strong exception to such a stoic conduct. Apparently, the PIO has violated the provision of Section 7(1) of the Act and rendered himself liable for penal consequences.

The jurisdictional PIO – cum – Executive Officer, Municipal Council, Zirakpur is issued a show cause notice to explain in a self- attested affidavit as to why a penalty @ Rs.250/- per day of delay subject to maximum of Rs.25,000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on him for causing willful delay / denial of the information to the RTI applicant and why the compensation be not awarded to the

Appeal Case No.3265/2018

Appellant under Section 19 (8) (b) of the Act for the detriment suffered by him.

In addition to the written reply, the PIO is also given an opportunity under Section 20(1) proviso thereto, for a personal hearing before the imposition of such penalty on the next date of hearing. He may take note that in case he does not file his written reply and does not avail himself of the opportunity of personal hearing on the date fixed, it will be presumed that he has nothing to say and the Commission shall proceed to take further proceedings against him ex parte.

To come up on **22.01.2019 at 11.30 AM.**

Sd/-

06.12.2018

**(Yashvir Mahajan)
State Information Commissioner**

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Sh. Surinder Kumar Angrish,
S/o Sh. Piara Lal,
R/o #50, Masand Mohalla, Ward-4, Samrala,
Ludhiana.

Appellant

Versus

Public Information Officer,
O/o Director,
Rural Development and Panchayat Department,
Development Bhawan, SAS Nagar.

First Appellate Authority,
O/o Director,
Rural Development and Panchayat Department,
Development Bhawan, SAS Nagar.

Respondents

Appeal Case No.3268/2018

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal
04.07.2018	Nil	08.08.2018	Nil	25.09.2018

Present: None on behalf of the Appellant.

1. Sh. Bhupinder Singh, Sr. Assistant, O/o Director, Rur. Dev. & Panchayats, Pb.,
2. Sh. Harjinder Singh, Clerk, O/o Director, Rur. Dev. & Panchayats, Pb. – for Respondents.

ORDER

The appellant had sought information about the action having been taken by the office of the Director, Rural Dev. & Panchayats on a communication from the DDPO, Ludhiana. In their reply the respondents say that due information was provided to him. His first appeal was also disposed after affording him an opportunity of being heard which he failed to avail.

The appellant has failed to pinpoint any infirmity in the impugned order of the First Appellate Authority. The Commission finds that he has been suitably informed. No intervention of the Commission is called for. The appeal is **disposed**.

Sd/-

06.12.2018

(Yashvir Mahajan)
State Information Commissioner

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Sh. Gurmail Singh,
S/o Sh. Chanan Singh,
R/o House No. 297, VPO-Dhablan,

Appellant

Versus

Public Information Officer,
O/o Block Development and Panchayat Officer,
Patiala.

First Appellate Authority,
O/o District Development and Panchayat Officer,
Mini Secretariat, Patiala.

Respondents

Appeal Case No.3294/2018

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal
04.07.2017	Nil	07.06.2018	Nil	25.09.2018

Present: **Sh. Gurmail Singh, Appellant in person.**
 Sh. Daljeet Singh, Panchayat Officer, Block Patiala – for Respondents.

ORDER

The appellant had sought the copies of the record entailed in various activities of the village panchayat from May, 2013 to June, 2017.

Sh. Daljeet Singh appearing on behalf of the respondents says that the concerned Panchayat Secretary has been transferred. Nonetheless, he had given in writing that the information had been provided to the appellant. The appellant reports that the same was deficient and incomplete. The respondents are advised to get the record inspected by him and provide him the certified copies of the documents but not beyond one hundred pages, which are pointed out by him and have not been provided to him as yet.

To come up on **22.01.2019 at 11.30 AM.**

Sd/-

06.12.2018

(Yashvir Mahajan)
State Information Commissioner

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Sh. Pardeep Singh,
S/o Sh. Darbara Singh,
R/o Village Gurdaspura (Gurthali),
Tehsil and Distt. Sangrur.

Appellant

Versus

Public Information Officer,
O/o Block Development and Panchayat Officer,
Sangrur.

First Appellate Authority,
O/o District Development and Panchayat Officer,
Sangrur.

Respondents

Appeal Case No.3327/2018

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal
07.09.2017	Nil	31.10.2017	Nil	03.10.2018

Present: **Sh. Pardeep Singh, Appellant in person.**
 Sh. Ajaib Singh, Panchayat Secretary, BDPO Office, Sangrur – for Respondents.

ORDER

Sh. Ajaib Singh, Panchayat Secretary appearing on behalf of the respondents says that he has joined this office only on 3rd December, 2018. He states that his predecessor was on medical leave. He further submits that the information has already been transmitted through a registered post.

The appellant denies its receipt. Probably, it should be in transit. Nonetheless, he has brought along a copy of the same which has been handed over on spot to the appellant. He may like to go through it and point-out the deficiency in writing, if any before the next date of hearing.

Meanwhile the predecessor of the incumbent Panchayat Secretary, Sh. Karamjit Singh who has been sitting on the application for more than a year should explain the delay and show cause as to why he should not be penalized as per the provisions of RTI Act.

To come up on **22.01.2019 at 11.30 AM.**

Sd/-

06.12.2018

(Yashvir Mahajan)
State Information Commissioner

CC: The Block Dev. & Panchayat Officer, Sangrur, for n/a.

CC: Sh. Karamjit Singh, Panchayat Secretary, O/o Block Dev. & Panchayat Officer, Sangrur, for n/a.

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Sh. Nasib Singh,
S/o Sh. Dia Singh,
Nabipur, Fatehgarh Sahib.

Appellant

Versus

Public Information Officer,
O/o Block Development and Panchayat Officer,
Sirhind, Dist. Fatehgarh Sahib.

First Appellate Authority,
O/o District Development and Panchayat Officer,
Fatehgarh Sahib.

Respondents

Appeal Case No.3341/2018

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal
08.05.2018	Nil	27.06.2018	Nil	25.09.2018

Present: **Sh. Nasib Singh, Appellant in person.**
 None on behalf of the Respondents.

ORDER

Having failed to procure the information from the PIO and their senior officers, the appellant has been constrained to file second appeal with the Commission. The appellant in fact had sought details of the allottees of about 16 kanal of shamlat land of gram panchayat to the landless inhabitants of the village. The Commission takes serious view of the absence and dismissal of the show cause notice without reply by the respondents.

The PIO is desired not only to provide the information before the next date of hearing positively but also explain his conduct in writing as to why a penalty should not be imposed on him for not having responded to the application under RTI Act within the stipulated time.

To come up on **22.01.2019 at 11.30 AM.**

Sd/-

06.12.2018

(Yashvir Mahajan)
State Information Commissioner

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Sh. Jaspal Singh,
R/o # 2542, Mari Wala Town,
Manimajra, Chandigarh.

Appellant

Versus

Public Information Officer,
O/o Deputy Commissioner,
Roopnagar.

First Appellate Authority,
O/o Deputy Commissioner,
Roopnagar.

Respondents

Appeal Case No.3348/2018

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal
04.03.2018	Nil	04.05.2018	Nil	27.09.2018

Present: Sh. Jaspal Singh, Appellant in person.
1. Sh. Sadhu Ram, Superintendent, BDPO office, Morinda,
2. Sh. Sanjee Kumar, Panchayat Secretary, BDPO Office, Morinda, and
3. Sh. Bikram Singh, Halqa Patwari, Tehsil Office, Morinda – for Respondents.

ORDER

The information sought pertains to various activities of gram panchayat over a period of last ten years.

Obviously, it shall entail massive record. The Commission finds that providing of certified copies of the entire record shall not only divert its resources but it shall be an onerous task for the Public Authority too. The Commission directs the respondents to allow him the inspection of the record at a mutually agreed date and time which shall be adhered to scrupulously and provide him certified copies not beyond one hundred pages as identified by him. The limit can be ignored if he convinces the Commission that the public interest shall not be served within the above said number of copies.

To come up on **22.01.2019 at 11.30 AM.**

Sd/-

06.12.2018

(Yashvir Mahajan)
State Information Commissioner

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Sh. Jasbir Singh,
R/o Guru Nanak Nagar, Village-Bholpur , Jhabewal,
PO-Ramgarh, Distt. Ludhiana.

Appellant

Versus

Public Information Officer,
O/o Sub District Magistrate,
Fatehgarh Sahib.

First Appellate Authority,
O/o Deputy Commissioner,
Fatehgarh Sahib.

Respondents

Appeal Case No.3355/2018

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal
02.07.2018	Nil	13.08.2018	Nil	01.10.2018

Present: None.

ORDER

None is present on behalf of the Parties.

The matter shall be reheard on **22.01.2019 at 11.30 AM.**

Sd/-

06.12.2018

(Yashvir Mahajan)
State Information Commissioner

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Sh. Sanjeev Thakur,
R/o Village-Gudha Khurd ,
PO Madhopur Cantt. Tehsil-Pathankot,
Distt. Gurdaspur.

Appellant

Versus

Public Information Officer,
O/o Assistant Excise and Taxation Commissioner,
Mobile Wing, Amritsar.

First Appellate Authority,
O/o Division Excise Taxation Commissioner,
Amritsar.

Respondents

Appeal Case No.3372/2018

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal
12.04.2018	Nil	17.04.2018	Nil	03.10.2018

Present: **None on behalf of the Appellant.**
 Sh. Sushil Kumar, ETO, Mobile Wing, Amritsar – for Respondents.

ORDER

The appellant had sought information about the cases of penalty imposed against defaulters under GST Act w.e.f. 01.01.2018 to 12.04.2018.

Sh. Sushil Kumar, ETO appearing on behalf of the respondents reiterates the stance taken by them and conveyed to the Commission vide memo dated 03.12.2018. The defence of the respondent is that the sought for information is a 'personal information' of the third parties whose number is in legions. To follow the procedure under Section 11 of the RTI Act for such number of people shall divert their resources disproportionately. They further say that information sought has no relation to the public interest and is exempted from revelation under Section 8(1) (j) of the Act.

They have also taken the plea that the second appeal is a time-barred having been filed after 90 days of the order passed by the First Appellate Authority. The FAA had disposed of his appeal having afforded him a couple of opportunities by upholding the aforesaid position of the PIO. An opportunity is afforded to the appellant to comment on the position taken by the respondents failing which it shall be presumed that he has nothing to say on the matter and the appeal shall be decided as per record on file.

To come up on **22.01.2019 at 11.30 AM.**

Sd/-

06.12.2018

(Yashvir Mahajan)
State Information Commissioner

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Shri Jasmit Singh Juneja,
#208-C, 8th Floor, Tower 2, Leaf Stone Apartments,
Nabha Pabhat Road, Zirakpur,
District Mohali.

Appellant

Versus

Public Information Officer,
O/o Municipal Council (Building Proposal Department),
Zirakpur.

First Appellate Authority,
O/o Municipal Council (Building Proposal Department),
Zirakpur.

Respondents

Appeal Case No.3121/2018

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal
20.06.2018	Nil	31.07.2018	Nil	13.09.2018

Present: **Sh. Jasmit Singh Juneja, Appellant in person.**
 None on behalf of the Respondents.

ORDER

The following order was made by this forum on 13.11.2018:

"Briefly speaking, the appellant had sought the information relating to approval of a building complex raised by one M/s M.D. Builders & Developers located in Village Nabha, Highland Marg, Zirakpur in their jurisdiction. The Commission takes serious view of the non-chalance shown by the respondents in stonewalling his application as well as the notice of the Commission. The PIO (by name) is hereby issued a show cause notice as to why he should not be proceeded against under Section 20(1) of the RTI Act for having failed to meet the obligation under Section 7(1) ibid. Meanwhile, he shall ensure that the appellant is informed point-wise before the next date of hearing."

The case has come up today. Despite express order passed, the respondents have shown scant and brazen apathy to the directions.

The Commission is well within its authority to impose a penalty on the PIO. However, another opportunity is afforded to him to explain his conduct after providing the requisite information.

To come up on **22.01.2019 at 11.30 AM.**

Sd/-

06.12.2018

(Yashvir Mahajan)
State Information Commissioner

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Shri Bharpur Singh,
s/o Shri Sarwan Singh,
R/o Village Lubhana Teku, Tehsil Nabha,
District- Patiala.

Appellant

Versus

Public Information Officer,
O/o Block Development & Panchayat Officer,
Nabha, District Patiala.

First Appellate Authority,
O/o District Development & Panchayat Officer,
Patiala.

Respondents

Appeal Case No.3140/2018

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal
20.06.2018	Nil	17.07.2018	Nil	17.09.2018

Present: **Sh. Bharpur Singh, Appellant in person.**
 Sh. Baljit Singh, Panchayat Secretary, O/o BDPO, Nabha – for Respondents.

ORDER

This should be read in continuation of order passed by this forum on 13.11.2018.

The case has come up today. Sh. Baljit Singh, Panchayat Secretary appearing on behalf of the respondents says that he has recently joined and assures to provide the information expeditiously. While accepting his request the Commission directs him to part with the information and file an explanation in writing for the delay before the next date of hearing failing which it shall be presumed that he has nothing to say and the order shall be passed on the appraisal of facts on record.

To come up on **22.01.2019 at 11.30 AM.**

06.12.2018

Sd/-
(Yashvir Mahajan)
State Information Commissioner