**PUNJAB STATE INFORMATION COMMISSION**

 **RED CROSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGRH**

 **Tele No. 0172-2864112, FAX No. 0172-2864125, Visit us @** [**www.infocommpunjab.com**](http://www.infocommpunjab.com)

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Sh. Inderjeet Singh, Advocate

R/o Sunder Nagar, St.No.3,1st Crossing

Hanumangarh Road, Abohar.

Distt. Fazilka.

Sh. Vishal Singh Chauhan, Advocate,

H.No.127, Sector 10 – A, Chandigarh. Appellants

 Versus

Public Information Officer,

O/o Special Secretary to Govt. of Punjab,

Department of Home Affairs & Justice,

Punjab Civil Sectt.- 1, Chandigarh

Public Information Officer,

O/o Judicial - 1 Branch,

Department of Home Affairs and Justice, Govt. of Punjab,

Punjab Civil Sectt. – 1, Chandigarh.

First Appellate Authority

O/o Secretary to Govt. of Punjab

Department of Home Affairs & Justice,

Punjab Civil Sectt.-1, Chandigarh. Respondents

 **APPEAL CASE NOs. 2559/2017, 938 and 939 of 2018**

Date of RTI application : 03.07.2017/30.08.2017/17.07.2017

 Date of First Appeal : 03.08.2027/27.10.2017/31.08.2017

 Date of Order of FAA : 06.09.2017/12.01.2018Reply27.09.2017/04.08.2017

 Date of 2nd Appeal/complaint :11.09.2017/12.03.2018/06.03.2018

**Present:** Adv. Saurav Dhir, Counsel for Sh. Vishal Singh Chauhan, Appellant.

1. Sh. P. S. Bajwa, Additional Advocate General, Punjab,
2. Adv. Gursharan Mann for Respondent No. 7,
3. Adv. Kiran Verma for Respondent No. 4,
4. Adv. Sehajbir Singh for Respondent No. 4,
5. Adv. Sahil Sharma for Respondent No. 67,
6. Adv. Shakti Pal Singh Mann for Respondent No. 127,
7. Sh. Charanjit Khanna, Supdt. Gr. 1, Judicial - I Br., Pb. Civil Sectt.,
8. Sh. Harmanjot Singh, Sr. Assistant, Judicial - 1 Br., Pb. Civil Sectt. – for Respondents.

**ORDER**

The following order was made by this forum on 03.07.2018:

*“As the respondents are the same and the issues involved, by and large, are identical these appeals shall be decided with a common order.*

*Having heard the issue it transpires that mandatory requirement of Section 19(4) of Contd…page…2*

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***APPEAL CASE NOs. 2559/2017, 938 and 939 of 2018***

*the RTI Act has not been met with. The Commission understands that its non-compliance shall vitiate the proceedings. To pass a valid order it shall be in the fitness of things to afford hearing to the third party concerned. The PIO is directed to inform the individuals to whom information relates well in advance as per requirement under Section 19(4) of the Act to present their cause if any. Meanwhile, the appellant in appeal case No.938 and 939 of 2018 may file a rejoinder to the submissions made by the respondents which have been handed over to him on spot.”*

The case has come up today. Adv. Saurav Dhir, the proxy for one of the appellants is present and seeks more time to file a rejoinder to the written statements filed by the respondents. Some of the private respondents as mentioned in the head note are present in person while few have authorized others with their Power of Attorneys. The common refrain is that the copy of the appeal is not available which should be supplied to them to defend their cause. The appellants are directed to supply a copy of the appeal to the private respondents sufficiently in advance before the next date of hearing.

 To come up on **18.09.2018 at 11.30 AM.**

 **Sd/-**

**07.08.2018**  **(Yashvir Mahajan)**

 **State Information Commissioner**

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Smt. Surinder Kaur Dhillon

W/o Late Sh. Balwant Singh Dhillon,

#272, Western Homes Colony, Jhungian

Tehsil Kharar Distt. S.A.S. Nagar Appellant

Versus

Public Information Officer,

O/o Executive Officer,

Nagar Council, Kharar

.

First Appellate Authority

O/o Regional Deputy Director,

Local Bodies, Patiala. Respondents

 **APPEAL CASE NO.504/2018**

Date of RTI application : 06.11.2017

Date of First Appeal : 09.12.2017

Date of Order of FAA : Reply20.11.2017

Date of 2nd Appeal/complaint : 01.02.2018

**Present:** Sh. Satish Kumar Chawla on behalf of the Appellant.

Sh. Jaswinder Singh, Draftsman, NC office, Kharar – for Respondents.

**ORDER**

 The following order was passed by this forum on 05.07.2018:

*“The respondents have filed a written reply wherein they have denied the availability of more record concerning the application in hand. The appellant rebuts their contention by showing this forum certain documents which suggest that some building plans have been sanctioned by them on the green area. Public notices have also been issued for the demolition of illegal structures. The respondents are directed to file an affidavit about the status of information available with them with reference to the application to the effect that no material/record besides the one which has already been supplied to the appellant is available.”*

In compliance with the above order the respondents have filed an affidavit to the effect that the entire record available with them concerning the issue has already been transmitted to the appellant and no information has been concealed.

 Contd… page…2

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**APPEAL CASE NO.504/2018**

 The appellant is still seeking answer to some queries. The Commission feels that the respondents are not obliged to answer such questions. The material record available with them has already been given to him. No more action is called for. The appeal is **disposed.**

 **Sd/-**

**07.08.2018**  **(Yashvir Mahajan)**

 **State Information Commissioner**

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Sh. Ramesh Chander,

S/o Sh. Ram Samuj

R/o 1338, Badshahi Bagh Colony,

Ambala City. Appellant

Versus

Public Information Officer,

O/o Deputy Supdt. of Police (HQ),

 O/0 Senior Supdt. of Police,

District Administrative Complex, Sector-76

S.A.S. Nagar.

First Appellate Authority

O/o Senior Supdt. of Police,

District Administrative Complex, Sector-76

S.A.S. Nagar. Respondents

 **APPEAL CASE NO.300/2018**

Date of RTI application : 23.06.2017

Date of First Appeal : 26.10.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 11.12.2017

**Present: None on behalf of the Appellant.**

1. **ASI Ravinder Singh, RTI Br., SSP Office, Mohali,\**
2. **ASI Kuldeep Singh, PS: Dera Bassi – for Respondents.**

**ORDER**

The following order was made by this forum on 10.07.2018:

 *“The appellant had sought a copy of the statements recorded in a matter of investigation into a complaint registered under GD No.035 dated 27.05.2017.*

 *HC Kuldip Singh appearing on behalf of the respondents assures the Commission to provide it expeditiously. They are directed to send the information to the information seeker within a week positively under intimation to the Commission.”*

 *“The case has come up today. Despite the express directions of this forum the Contd..page…2*

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***APPEAL CASE NO.300/2018***

*respondents have not provided him the information asked for by him. The Commission takes a strong*

*exception to the indifference shown by the Respondents to the directions of the Commission and calls for the explanation of the concerned official as to why the penal proceedings be not initiated.”*

 *“The case has come up today. The respondents have scant respect and care to the various orders passed by this Court. They have rendered themselves liable for penal action. The PIO is, thus, 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) (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.”*

The case has again come up today. An affidavit has been filed by the Deputy Superintendent of Police (HQ), SAS Nagar wherein he has stated that information available with the respondents has since been furnished to the appellant. The appellant is seeking a copy of the statements of the driver and conductor of the bus when he got slightly injured on the exigent application of the breaks by the driver. The respondents submit that on the preliminary enquiry no cognizable offence was found to have been made by anybody which warranted the recording of  *Contd…page…3*

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***APPEAL CASE NO.300/2018***

statements of the driver and the conductor. The case was accordingly closed. When the information is not available obviously it cannot be supplied. The Commission has no reason to disbelieve the submission made by the respondents in their affidavit.
 The appellant is seeking an adjournment. The Commission feels that no purpose shall be solved to further protract the issue as the available information has been transmitted to him.

In view of an affidavit filed by the Deputy Superintendent of Police the show cause notice issued is filed. The respondents are cautioned to be watchful in future to timely submit the information.

**Disposed.**

 ***Sd/-***

**07.08.2018**  **(Yashvir Mahajan)**

 **State Information Commissioner**

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Sh. Sadhu Ram Kusla,

S/o Sh. Ram Chand Bansal,

House No.138, Indira Lodge,

Veer Colony, Maharaja Aggarsain Road,

Bathinda Complainant

Versus

Public Information Officer,

Chief Executive Officer,

Max Super Specialty Hospital,

NH-64, Near District Hospital,

Bathinda. Respondent

**COMPLAINT CASE NO.1031/2016**

 Date of RTI application : 26.04.2016

Date of First Appeal : Nil

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :30.11.2017

**Present: None on behalf of the Complainant.**

 **Ms. Amanpreet Kaur, proxy Counsel of Adv. Nakul Sharma - for Respondent.**

**ORDER**

 Ms. Amanpreet Kaur proxy counsel for the Advocate of Respondents has produced an order dated 13.07.2018 of the Hon’ble Punjab & Haryana High Court, Chandigarh, vide which the order of the Commission dated 10.10.2017 has been stayed till the next date of hearing which has been fixed for 08.10.2018.

The matter shall be reheard on **25.10.2018 at 11.30 AM.**

 **Sd/-**

**07.08.2018**  **(Yashvir Mahajan)**

 **State Information Commissioner**