

**PUNJAB STATE INFORMATION COMMISSION**  
**Red Cross Building, Near Rose Garden,**  
**Sector 16, Chandigarh.**  
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Sh. Rakesh Kumar Gupta  
8/237, Jagrao Road, Mandi Mullanpur,  
District Ludhiana- 141101

-----Appellant

Vs.

**Public Information Officer,**  
O/o ADC (D), Ludhiana  
**First Appellate Authority**  
O/o DC, Ludhiana  
**(Registered Post)**

2) **Public Information Officer,**  
O/o DC, Ludhiana

-----Respondent

**Appeal Case No. 3220 of 2019**

**Through CISCO WEBEX**

Present: (i) Sh. Rakesh Kumar Gupta the appellant  
(ii) For the Respondent: Sh. Jagdish Singh, ASI (9872200563)

**ORDERS**

This order may be read with reference to the previous order dated 03.09.2020.

2. The appellant Sh. Rakesh Kumar Gupta states that complete information has not been provided to him so far.
3. Respondent states that the information, as exists in the record has already been provided to the appellant.
4. After hearing both the parties and examining the case file, it is observed that the appellant is not satisfied with the information. Hence, he is directed to visit the office of the respondent on **08.10.2020 at 11.00 AM**, inspect the record and obtain the information. Respondent is directed to provide the same to the appellant. During the last hearing PIO, o/o DC, Ludhiana was impleaded as respondent no. 2. But today, neither the PIO, o/o DC, Ludhiana nor his representative is present. Hence, last opportunity is given to PIO, o/o DC, Ludhiana to appear before the Commission and state his case.

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**Appeal Case No. 3220 of 2019**

5. To come up on **14.12.2020 at 11.00 AM** for further proceedings through CISCO WEBEX. Copy of the order be sent to the parties.

**(Usage Steps: Install Cisco Webex<click on JOIN MEETING, Write Meeting Number: 919860773)**

**Sd/-**

**Dated: 07.10.2020**

**(Preety Chawla)**  
State Information Commissioner  
Punjab

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Sh. Rakesh Kumar Gupta,  
8/237, Jagraon Road, Mandi Mullanpur  
District Ludhiana - 141101

-----Appellant

Vs.

**Public Information Officer,**  
O/o SSP, Ludhiana Road, Jagraon, Ludhiana  
**First Appellate Authority**  
O/o Ludhiana Range, Ludhiana

-----Respondent

**APPEAL CASE NO. 3221 OF 2019**  
**THROUGH CISCO WEBEX**

Present: (i) Sh. Rakesh Kumar Gupta the appellant  
(ii) For the Respondent: Sh. Jagdish Singh, ASI (9872200563)

**ORDERS**

This order may be read with reference to the previous order dated 03.09.2020 vide which the respondent was absent.

2. Today, the appellant Sh. Rakesh Kumar Gupta states that complete information has not been provided to him so far.
3. Respondent states that the information demanded by the appellant was not provided as an enquiry is pending.
4. The respondent is directed to send his reply on oath paper before the next date of hearing to the appellant with a copy to the Commission.
5. To come up on **14.12.2020 at 11.00 AM** for further proceedings through CISCO WEBEX. Copy of the order be sent to the parties.

**(Usage Steps: Install Cisco Webex<click on JOIN MEETING, Write Meeting Number: 919860773)**

Sd/-

Dated : 07.10.2020

**(Preety Chawla )**  
State Information Commissioner  
Punjab

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**Registered post**

Sh Parminderjeet Singh (Nambardar), (98886-86039)  
S/o Sh. Nahar Singh, R/o Village GalibKalan, Tehsil Jagraon,  
Distt Ludhiana

.....Appellant

..Vs

**Public Information Officer,**  
O/o District controller, Food Civil Supplies and consumer Affairs, Ludhiana  
**First Appellate Authority**  
O/o Director, Food Civil Supplies and consumer Affairs, Pb  
Anaj Mandi, Sector 39C, Chandigarh

.....Respondent

**AC No.4484 of 2019**

**Through CISCO WEBEX**

Present: None for the parties.

**ORDERS**

This order may be read with reference to the previous order dated 11.08.2020 vide which neither the appellant nor the respondent was present.

2. The perusal of the file shows that the respondent is absent for fourth consecutive hearing. He has not even bothered to inform the Commission about his absence. The respondent has not filed a reply of show cause notice issued on 01.06.2020, which shows that the respondent-PIO has no regard for the orders issued by the Commission. This is very serious matter.

3. In view of the foregoing, Respondent- PIO is directed to show cause in writing or through affidavit under Section 20(1) of the RTI Act:-

- (i) Why supply of information as per RTI request sent to him has been delayed.
- (ii) Why penalty be not imposed upon him for not supplying the information within time as prescribed under RTI Act 2005.
- (iii) Why appellant should not be compensated for the harassment and financial loss suffered by him in getting the information.

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**AC No.4484 of 2019**

4. In addition to his submission, the PIO is also hereby 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 note that in case he does not file his submission and does not avail himself of the opportunity of personal hearing on the next 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.

5. To come up on **11.01.2021 at 11.00 AM** for further proceedings through CISCO WEBEX. Copy of the order be sent to the parties.

**(Usage Steps: Install Cisco Webex<click on JOIN MEETING, Write Meeting Number: 919860773)**

Sd/-

Dated : 07.10.2020

**(Preety Chawla )**  
State Information Commissioner  
Punjab

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Sh. Tilak Raj Sharma, # 70, Ambika Colony  
Behind K M.V College, Jalandhar – 144004

..... Complainant

**Vs**

**Public Information Officer,**  
O/o Director Health and Family Welfare Punjab  
Parivar Kalyan Bhawan, Sector 34,  
Chandigarh

**Registered post:**

**Public Information Officer**  
O/o Civil Surgeon, Jalandhar

**Registered post:**

**Public Information Officer**  
O/o Punjab Medical Council,  
O/o Medical Education Bhawan,  
Near Excise and Taxation Building, Sector 69  
SAS Nagar

.....Respondent

**CC.No. 1063 of 2019**  
**Through CISCO WEBEX**

Present: (i) Sh. Tilak Raj, the Complainant  
(ii) For the Respondent: Sh. Arun Kumar, Supdt-cum-PIO, o/o Punjab Medical Council SAS Nagar (9463420465)

### **ORDERS**

This order may be read with reference to the previous order dated 26.08.2020 vide which PIO, o/o Punjab Medical Council, SAS Nagar was directed to file a reply in response to the show cause notice issued.

2. **Today the respondent has sought some time to provide complete information to the complainant.** The perusal of the file shows that the Respondent has sent reply of show cause notice issued to him. I have gone through the reply of the Respondent and agree with same resultantly, the proceedings under Section 20(1) of the RTI are dropped.

3. On the request of the respondent, the case is adjourned on **26.10.2020 at 10.30 AM** through CISCO WEBEX. Copy of the order be sent to the parties.

**(Usage Steps: Install Cisco Webex<click on JOIN MEETING, Write Meeting Number: 919860773)**

Sd/-

Dated : 07.10.2020

**(Preety Chawla )**  
State Information Commissioner  
Punjab

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ShJaswant Singh, S/o Lt ShSardara Singh,(M:9888865056)  
House No 2525/B, Sector 47C, Chandigarh

.....Complainant

..Vs

**Public Information Officer,**  
O/o Director of Industries & Commerce of Industries,  
(Incentive Section), Pb  
Bays Building, Sector-17, Chandigarh

.....Respondent

**CC No. 226 of 2020**  
**Through CISCO WEBEX**

Present: (i) Sh. Jaswant Singh the complainant (through CISCO WEBEX)  
(ii) None is present on behalf of the respondent

**ORDERS**

This order may be read with reference to the previous order dated 11.08.2020 vide which the respondent stated that he has brought the remaining information and he was directed to send the same to the complainant before the next date of hearing.

2. Today the complainant Sh. Jaswant Singh states that no information has been given to him so far.

3. Respondent is absent today.

4. The perusal of the file shows that the complainant has filed RTI with the PIO, o/o Director of Industries and Commerce of Industries on 23.01.2020. But after lapse of more than nine months ,no information has been given to the complainant so far, which shows that the respondent has no regard for the orders issued by the Commission. This is indeed a serious matter.

5. In view of the foregoing, Respondent- PIO is directed to show cause in writing or through affidavit under Section 20(1) of the RTI Act:-

- (i) Why supply of information as per RTI request sent to him has been delayed.
- (ii) Why penalty be not imposed upon him for not supplying the information within time as prescribed under RTI Act 2005.

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**CC No. 226 of 2020**

6. In addition to his submission, the PIO is also hereby 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 note that in case he does not file his submission and does not avail himself of the opportunity of personal hearing on the next 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.

7. To come up on **02.12.2020 at 11.00 AM** for further proceedings through CISCO WEBEX. Copy of the order be sent to the parties.

**(Usage Steps: Install Cisco Webex<click on JOIN MEETING, Write Meeting Number: 919860773)**

Sd/-

**Dated : 07.10.2020**

**(Preety Chawla )**  
State Information Commissioner  
Punjab



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Sh. Lakhvir Singh, S/o Shri Nazar Singh,  
R/o Village Mullowal, Tehsil Dhuri,  
Distt.Sangrur (8360957950)

-----Appellant

..Vs

**Public Information Officer,**  
o/o SSP, Sangrur

**First Appellate Authority**  
O/o IGP, Patiala

.....Respondent

**AC No.1038 of 2020**

**Through video conference**

Present: (i) None is present on behalf of the appellant  
(ii) For the respondent: Sh. Kuldip Singh, ASI (8054545411)

**ORDERS**

This order may be read with reference to the previous order dated 13.08.2020 vide which the respondent was directed to provide complete information to the appellant before the next date of hearing and in case information is not available in their official record then file an affidavit for the same, duly signed by the Respondent-PIO.

2. Today the respondent Sh. Kuldip Singh states that as per directions of the Commission, an affidavit has been sent to the appellant.
3. The appellant is absent today.
4. After hearing the respondent , it is observed that the respondent has sent an affidavit to the appellant. But it is observed that he has not sent the same to the Commission office. Hence, he is directed to send the same to the Commission office before the next date of hearing.
5. Since, the appellant is absent, one more opportunity is given to him to appear before the Commission and state his case. It is made clear that in case the appellant does not appear on the next date of hearing , appropriate orders in his absence shall be passed.

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**AC No.1038 of 2020**

6. To come up on **11.01.2021 at 11.00 AM** for further proceedings through CISCO WEBEX. Copy of the order be sent to the parties.

**(Usage Steps: Install Cisco Webex<click on JOIN MEETING, Write Meeting Number: 919860773)**

**Sd/-**

**Dated : 07.10.2020**

**(Preety Chawla )**  
State Information Commissioner  
Punjab

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**REGISTERED POST**

Sh. Ravinder Singh Gill,  
House No. 986, Near Dev hotel,  
Main Bazar, Distt. Moga

.....Appellant

Vs

**Public Information Officer,**  
O/o Municipal Town Planner,  
Municipal Corporation, Moga  
**First Appellate Authority,**  
O/o Municipal Corporation,  
Moga

.....Respondent

**AC.No. 3514 of 2019**  
**Through CISCO WEBEX**

Present: (i) Sh. Ravinder Singh Gill the appellant  
(ii) None is present on behalf of the respondent

**ORDERS**

This order may be read with reference to the previous order dated 11.08.2020 vide which last opportunity was given to the PIO, o/o MTP, M.C Moga to file reply of show cause notice issued.

2. Brief facts of the case are that the appellant filed his RTI on 06.05.2019. On not receiving the information, he has filed First appeal with the First Appellate Authority on 12.06.2019 and second appeal was filed in the Commission on 20.09.2019 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act). Notice of hearing was issued for 21.11.2019.

3. On 21.11.2019, no one appeared on behalf of the respondent, accordingly the appeal was adjourned on 16.12.2019. On 16.12.2019, the appellant was absent. However, Sh. Gautam Kumar, appeared on behalf of the respondent and stated that the information has already been sent to the appellant. On 07.01.2020, the appellant stated that incomplete information has been given to him, hence inspection rights were given to the appellant and Sh. Kamalpreet Singh, Draftsman appearing on behalf of the Respondent was directed to provide complete information to the appellant. Accordingly the appeal was adjourned on 10.02.2020. On hearings dated 10.02.2020, 12.03.2020, 15.06.2020, 11.08.2020, no one appeared on behalf of the Respondent. On 11.08.2020, a

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**AC.No. 3514 of 2019**

show cause notice was issued to the respondent –PIO and the appeal was adjourned on 07.10.2020 i.e. today.

4. Today, again the respondent is not present. It is observed that neither the respondent has bothered to attend the hearings nor has he filed a reply to the show cause notice issued to him. This shows that the respondent-PIO has no regard for the orders issued by the Commission. This amounts to complete neglect of their duty under the RTI regime. The RTI Act 2005 was enacted with a view to promote transparency and accountability in the working of public authorities so that the corruption in the working of government is contained and the government and its instrumentalities are held accountable to the people.

5. In view of the above mentioned circumstances, Respondent-PIO, O/o Municipal Town Planner, Municipal Corporation, Moga is responsible for the delay in providing the information and harassment suffered by the Appellant.

6. The Commission is constrained to observe that a large number of officers have failed to appreciate the spirit of the Act for promotion of openness in their functioning. Respondent may note that the RTI Act 2005 is meant for promoting transparency in governmental functioning by bringing to light governmental actions done behind closed doors so that the common man is kept well informed of the goings on in the public authorities with a view to strengthening democracy. The RTI Act 2005 is not to be used as a substitute for availing of services available under various statutes for matters not involving the bringing to light the mannerism of / flaws in the working of public authority.

7. In the backdrop of the aforementioned factual position, initiation of action under Section 20(1) Right to Information Act, 2005, against the respondent-PIO called for. I am, therefore, left with no other option but to decide the question of imposition of **penalty upon Respondent-PIO, O/o MTP, Municipal Corporation, Moga of Rs. 10,000/- (Rs. Ten thousand only)**. The amount of penalty i.e. Rs. 10,000/- should be

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**AC.No. 3514 of 2019**

deducted from the salary of Respondent-PIO and be deposited in the Government treasury under head 0070-Other Administrative Services-60-Other Services-800-Other Receipts-86-Fees under the Right to Information Act.

**The Commissioner, Municipal Corporation, Moga shall ensure that this amount of penalty is deducted from the salary of the above said PIO and deposited in the Treasury under the relevant head.**

8. To come up on 11.01.2021 at 11.00 AM for further proceedings through CISCO WEBEX. Copy of the order be sent to the parties.

(Usage Steps: Install Cisco Webex<click on JOIN MEETING, Write Meeting Number: 919860773)

Sd/-

Dated : 07.10.2020

**(Preety Chawla )**  
State Information Commissioner  
Punjab

CC: Commissioner, Municipal Corporation, Moga for necessary action please.