**STATE INFORMATION COMMISSION, PUNJAB**

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

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Sh. Puneet K Sharma Advocate

Chamber No.349, 2nd Floor,

Yadvindra Complex,Lawyers Chamber,

Distt. Courts, Patiala Appellant

Versus

Public Information Officer,

O/o Commissioner/Mayor,

Municipal Corporation, Patiala

First Appellate Authority

O/o Commissioner,

Municipal Corporation, Patiala Respondents

 **APPEAL CASE NOs.2562 and 2565 of 2017**

Date of RTI application : 28.10.2016

Date of First Appeal : 20.03.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :12.09.2017

**Present: None.**

**ORDER**

None is present.

 Despite the express directions of the Commission no response has been received from the PIO in the office of the Civil Surgeon, Patiala. He is once again directed to do the needful else the penal action shall be taken.

 To come up on **02.01.2018 at 11.30 AM.**

 **Sd/-**

**07.12.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**CC: The Public Information Officer, O/o**

 **The Civil Surgeon, Patiala.**

**CC: The Civil Surgeon, Patiala, for information and n/a.**

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Sh. Tejinder Singh, Advocate,

House No.836, MIG, PHB Colony, Jamalpur

Ludhiana Complainant

Versus

Public Information Officer,

O/o Station House Officer,

Police Station, Model Town,

Patiala Respondent

 **COMPLAINT CASE NO.940/2017**

Date of RTI application : 24.07.2017

Date of First Appeal : Nil

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :05.09.2017

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

 1. HC Hakam Singh, RTI Br., SSP Office, Patiala,

 2. HC Ranjodh Singh, PP Model Town, Patiala – for Respondent.

.

**ORDER**

 The complainant vide Commission’s orders dated 09.11.2017 was desired to comment on the submissions of the respondents.

 Nothing has been heard from him. He is absent.

 The respondents reiterate their contention that the information was sent under registered cover. As the complainant is absent the Commission believes that he is in receipt of the information to his satisfaction. No cause of action remains.

 The complaint is **disposed.**

 **Sd/-**

**07.12.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh. Navdeep Gupta,

Kothi No.455, Gillco Valley, Kharar,

Distt.S.A.S. Nagar Complainant

Versus

Public Information Officer,

O/o Senior Supdt. of Police,

S.A.S.Nagar. Respondent

 **COMPLAINT CASE NO.964/2017**

Date of RTI application : 11.07.2017

Date of First Appeal : Nil

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :03.09.2017

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

 ASI Ravinder Singh, RTI Cell, O/o SSP, Mohali – for Respondent.

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**ORDER**

The complainant is absent.

 The respondents have failed to file a written reply. The Commission takes a serious note of it..

 The matter shall be reheard on **18.01.2018 at 11.30 AM.**

 **Sd/-**

**07.12.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh. Baldev Singh Sirsa

Village Khanwal Doctor Sarangdev,

Tehsil Ajnala Distt. Amritsar. Complainant

Versus

Public Information Officer,

O/o Shiromani Gurudwara Parbandak Committee,

Amritsar Respondent

 **COMPLAINT CASE NO.987/2017**

Date of RTI application : 23.06.2017

Date of First Appeal : Nil

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :11.09.2017

**Present:** Sh. Baldev Singh Sirsa, Complainant in person.

 Sh. Simerjit Singh, PIO, SGPC – for Respondents.

**ORDER**

It will be of use to reproduce the interim orders passed by this forum on 09.11.2017:

 *“The Commission had observed as follows on 18.10.2017:*

 *“The applicant has filed a complaint against the respondent for having not informed him of the action taken against the alleged offenders in publishing Hindi version of a book namely “Sikh Itihas”. The respondent says that the information in another case has already been provided to him. They are advised to file a written reply in the matter.”*

 *“*The complainant is present. None is present on behalf of the respondent nor any written reply has been filed by them. The Commission takes a serious view of the indifference on the part of the respondent and directs them to ensure that appropriate information is provided to the complainant before the next date of hearing positively under intimation to the Commission failing which the penal consequences shall follow.”

 There has been a significant delay in providing the information about the status of the Contd..page…2

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**COMPLAINT CASE NO.987/2017**

issue. A final opportunity is afforded to the respondent to provide the information before the next date of hearing positively. Be it noted that penal consequences shall follow in the event of non-compliance of the above directions.

 To come up on **17.01.2018 at 11.30 AM through video conference at Amritsar.**

 **Sd/-**

**07.12.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh. Baldev Singh Sirsa

Village Khanwal Doctor Sarangdev,

Tehsil Ajnala Distt. Amritsar. Complainant

Versus

Public Information Officer,

O/o Shiromani Gurudwara Parbandhak Committee,

Amritsar Respondent

 **COMPLAINT CASE NO.988/2017**

Date of RTI application : 23.01.2017

Date of First Appeal : Nil

Date of Order of FAA : Reply 09.05.2017

Date of 2nd Appeal/complaint :11.09.2017

**Present:** Sh. Baldev Singh Sirsa, Complainant in person.

 Sh. Simerjit Singh, PIO, SGPC – for Respondents.

**ORDER**

 Vide his application the complainant had sought the information concerning the appointment of officials along with testimonials submitted by them.

 The respondents say that they have already provided him the information comprising about 350 pages. The complainant grudges that they have charged him Rs.1,500/- cost of providing information which is not in accord with the number of pages furnished to him. Besides, he submits that the information is not complete. The respondents are advised to get the record inspected on a pre-fixed date and time and provide him the certified copies of the documents identified by him. If the quantum of information falls short of the amount deposited, the excessive money charged by them shall be refunded to him.

 To come up on **17.01.2018 at 11.30 AM through video conference at Amritsar.**

 **Sd/-**

**07.12.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh. Baldev Singh Sirsa

Village Khanwal Doctor Sarangdev,

Tehsil Ajnala Distt. Amritsar. Complainant

Versus

Public Information Officer,

O/o Shiromani Gurudwara Parbandhak Committee,

Amritsar Respondent

 **COMPLAINT CASE NO.989/2017**

Date of RTI application : 17.05.2017

Date of First Appeal : Nil

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :11.09.2017

**Present:** Sh. Baldev Singh Sirsa, Complainant in person.

 Sh.Simerjit Singh, PIO, SGPC – for Respondents.

**ORDER**

 The Commission had passed the interim orders on 09.11.2017 as under:

 *“The Commission had observed as follows on 18.10.2017:*

 ***“****The respondents assure to provide the information to the complainant before the next date of hearing. While directing them to part with the information forthwith they are directed to file a written reply as well.”*

 *“The complainant is present. None is present on behalf of the respondent nor any written reply has been filed by them. The Commission takes a serious view of the indifference on the part of the respondent and directs them to ensure that appropriate information is provided to the complainant before the next date of hearing positively under intimation to the Commission failing which the penal consequences shall follow.”*

The matter has come up today. The complainant is satisfied with the information thus supplied to him. No cause of action is left.

 The complaint is **disposed.**

 **Sd/-**

**07.12.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh. Baldev Singh Sirsa

Village Khanwal Doctor Sarangdev,

Tehsil Ajnala Distt. Amritsar. Complainant

Versus

Public Information Officer,

O/o Shiromani Gurdwara Parbhandak Committee,

Amritsar Respondent

 **COMPLAINT CASE NO.990/2017**

Date of RTI application : 14.08.2017

Date of First Appeal : Nil

Date of Order of FAA : Reply 17.08.2017

Date of 2nd Appeal/complaint : 11.09.2017

**Present:** Sh. Baldev Singh Sirsa, Complainant in person.

 Sh.Simerjit Singh, PIO, SGPC – for Respondents.

**ORDER**

 The Commission had passed the following interim orders on 09.11.2017:

 *“The Commission had observed as follows on 18.10.2017:*

 ***“****The complainant has asked for the details of the employees recruited by the respondent. The respondent seeks exemption as the details attract exemption being personal information in terms of the judgment passed by the Hon’ble Supreme Court of India in the Special Leave Petition (Civil) No.27734 of 2012 (@ CC 144781/2012) dated 03.10.2012 -- titled Girish Ramchandra Deshpande Vs Central Information Commr. & Ors.*

 *The Commission does not agree with their argument. Accordingly it directs them to provide the information forthwith. Section 4 (2) mandates it to publish proactively. Hon’ble Supreme Court of India has only treated the matter of disciplinary proceedings inter-se the employer and employee as a personal information. The instant information concerns the particulars of the employees on rolls of the department.”*

 *“The complainant is present. None is present on behalf of the respondent nor any written reply has been filed by them. The Commission takes a serious view of the indifference on the part of the respondent and directs them to ensure that appropriate information is provided to the complainant before the next date of hearing positively under intimation to the Commission failing which the penal consequences shall follow.”*

 Contd..page…2

 -2-

**COMPLAINT CASE NO.990/2017**

 The case has come up today. The respondents submit that they have provided him the details of information relating to employees recruited by them during the period from 01.11.2016 to 14.08.2017. However, the certified copies of the applications, qualifications and testimonials etc. submitted by them could not be supplied being the personal information of the applicants. It is debatable as to whether such personal documents can be shared with the complainant as they have been furnished to the respondents in their fiduciary relationship.

 In the face of the fact that the complainant is alleging large scale bungling in the recruitment of the applicants it shall be in the fitness of things to invoke the proviso of larger public interest to direct the respondents to part with the information thus stated to have been deficient. The respondents shall do the needful well before the next date of hearing.

 To come up on **17.01.2018 at 11.30 AM through video conference at Amritsar.**

 **Sd/-**

**07.12.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

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Sh. Manjit Singh,

Distt. President,

388/3, Bahera Road, Patiala Appellant

**Versus**

Public Information Officer,

O/o Commissioner,

Municipal Corporation, Patiala..

First Appellate Authority

O/o Commissioner,

Municipal Corporation,

Patiala. Respondents

**APPEAL CASE NO. 2247/2017**

 Date of RTI application : 05.06.2017

 Date of First Appeal : 08.07.2017

 Date of Order of FAA : Nil

 Date of 2nd Appeal/complaint :09.08.2017

**Present:** Sh. Manjit Singh, Appellant, in person.

 None on behalf of the Respondents.

**ORDER**

 The following interim orders were passed on 12.10.2017:

 *“The appellant has sought information on 05.06.2017 from the respondent regarding details of a Building Plan of a structure. The respondent has taken a plea that the appellant should specify the number of the Building Plan of the structure as they do not maintain the record by the identity of the building. The stance of the respondent does not cut ice. A common man, who is interested to know the details of a structure coming up in the town, cannot be aware of the number of the Building Plan of the structure, which is privy to the Municipal Corporation and the owner of the building only. The appellant suspects the foul play about the conformity of the building to the building byelaws of the town. Accordingly, the respondent PIO is directed to provide a copy of the Building Plan of the said structure after charging due fee as the cost of the information, within 15 days from today positively.”*

 *Contd…page…2*

-2-

 The respondents are absent on trot. Their conduct is violative of Section 7 (1) of the RTI Act and entails a penalty under Section 20(1) and (2) of the Act. The PIO is hereby 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 himfor 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.

 To come up on **02.01.2018 at 11.30 AM.**

 **Sd/-**

**07.12.2017 ( Yashvir Mahajan )**

 **State Information Commissioner**

**CC: The Commissioner, Municipal Corporation, Patiala, for information.**

**CC: The PIO, O/o the Municipal Corporation, Patiala, for information and n/a.**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh. Manjeet Singh

H.No.388/3, Bahera Road,

Patiala Appellant

Versus

Public Information Officer,

O/o Senior Superintendent of Police,

Patiala

First Appellate Authority

O/o Senior Superintendent of Police,

Patiala Respondents

**APPEAL CASE NO.2655/2017**

 **Date of RTI Application : 18.07.2017**  **Date of First Appeal : 21.08.2017**

 **Date of letter of FAA : Nil**

 **Date of Second Appeal : 26.09.2017**

**Present:** Sh. Manjeet Singh, Appellant in person.

 HC Hakam Singh, O/o SSP, Patiala – for Respondents.

**ORDER**

 The following interim orders were passed by the Commission on 14.11.2017:

 *“The respondents have filed a written reply in which it has been submitted that the information comprised in 29 pages has been sent to the appellant. The appellant submits that the information thus stated to have been sent does not relate to his original application.*

 *The respondents seek an adjournment to look into the matter. They are directed to do the needful before the next date of hearing.”*

The matter has come up today. The respondents have brought along the information which has been handed over to the appellant on spot. Having gone through it he says that the information is deficient as the name and designation of the officer inquiring into the complaint has not been revealed. Besides, the copies of the statements have also not been parted with. The respondents are directed to do the needful under intimation to the Commission.

 To come up on **02.01.2018 at 11.30 AM.**

 **Sd/-**

**07.12.2017 ( Yashvir Mahajan )**

 **State Information Commissioner**

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Sh. Ashok Kumar,

House No.214, Pine Homes,

Dhakoli, Zirakpur -160104

Distt. S.A.S. Nagar. Appellant

Versus

Public Information Officer,

O/o Executive Officer,

Municipal Council, Zirakpur

Distt. S.A.S.Nagar.

First Appellate Authority

O/o Regional Deputy Director,

Local Bodies, Punjab, Mini Sectt.,

Patiala Respondents

 **APPEAL CASE NO.2111/2017**

Date of RTI application : 07.04.2017

Date of First Appeal : 27.05.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 01.08.2017

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

Sh. Gursewak Singh, Jr. Assistant, MC Office, Zirakpur – for Respondents.

**ORDER**

 The appellant is absent. No written explanation has been filed by the respondents.

 The matter is adjourned to be heard on **02.01.2018 at 11.30 AM.**

 **Sd/-**

**07.12.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh. Baldev Singh Sirsa

Village Khanwala,

Dr. Sarang Dev Tehsil Ajnala

Distt. Amritsar. Complainant

Versus

Public Information Officer,

O/o Shiromani Gurdwara Parbandhak Committee,

Amritsar Respondent

 **COMPLAINT CASE NO.1089/2017**

Date of RTI application : 28.08.2017

Date of First Appeal : Nil

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 05.10.2017

**Present:** Sh. Baldev Singh Sirsa, Complainant in person.

 Sh.Simerjit Singh, PIO, SGPC – for Respondents.

**ORDER**

 The instant case relates to the information concerning various advertisements issued by the SGPC in newspapers from 20.09.2015 to 30.11.2015.

 The respondent submits that the details of the advertisements issued along with the expenses incurred on the same have already been provided to the complainant.

 The complainant is seeking the photo copies of the cuttings of the newspapers. The respondent says that these are not readily available with them. The Commission desires them to arrange to provide the proto-type or the drafts of the advertisements thus issued to the newspapers for publishing before the next date of hearing positively.

 To come up on **17.01.2018 at 11.30 AM through video conference at Amritsar.**

 **Sd/-**

**07.12.2017 (Yashvir Mahajan)**

 **State Information Commissioner**