## **PUNJAB STATE INFORMATION COMMISSION**

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Sh.Davinder Kumar, S/o Sh Lt Sh Ram Murti, VPO Sidhwan Bet, Tehsil Jagraon, Distt. Ludhiana.

... Appellant

Versus

Public Information Officer, O/o Principal Secretary,

Local Government, Sec-35-A, Pb, Chandigarh.

First Appellate Authority,

O/o Principal Secretary, Local Government, Sec-35-A, Pb, Chandigarh.

...Respondent

Appeal Case No. 471 of 2020

PRESENT: None for the Appellant

Sh.Sanjeev Kumar, Suptd-cum-PIO(LG-2) for the Respondent

#### ORDER:

The case was first heard on 17.08.2020. The appellant claims that despite his visit to the office of the PIO thrice and meeting & requesting the PIO, the information was not provided. The respondent is absent. The PIO was directed to provide whatever information is available within 15 days as per the RTI application and send a compliance report to the Commission.

Since there has been an enormous delay of more than eleven months in attending to the RTI application, the PIO was issued a show cause notice under Section 20 of the RTI Act 2005 and directed to file reply on an affidavit.

On the date of hearing on **09.09.2020**, the respondent present pleaded that the information on points 1 & 2 has been provided to the appellant vide letter dated 16.10.2019 and since the information regarding points 3 to 7 relates to the Improvement Trust, Ludhiana, the RTI application was transferred to them under section 6(3) of the RTI Act.

The appellant was absent. The respondent from Improvement Trust was also absent. The PIO-cum-Executive Officer, Improvement Trust, Ludhiana was impleaded in the case and directed to look at the RTI application transferred by the department of Local Govt on 16.10.2019 and provide the information to the appellant within 15 days. The decision on show cause notice was to be taken on the next date of hearing.

On the date of last hearing on **22.03.2021**, the respondent present from the office of Local Govt informed that the information concerning them (points 1 & 2) has already been provided on 16.10.2020. As per appellant, he had not received the information. The respondent submitted a copy of the information to the Commission which was taken on the file of the Commission. A copy of the same was sent to the appellant alongwith the order.

The respondent present from Improvement Trust Ludhiana informed that the information relating to points 4 to 7 has been sent to the appellant vide letter dated 16.12.2020. The appellant was not satisfied with the information relating to point 3, 6 & 7.

## Appeal Case No. 471 of 2020

Hearing both the parties, the appellant was advised to inspect the record on 24.03.2021 at 12.00 noon in the office of Improvement Trust Ludhiana and get the relevant information. The PIO-improvement Trust was directed to allow inspection of the record and provide the relevant information to the appellant as per the provisions of the RTI Act.

The PIO-Local Govt. did not file a reply to the show-cause notice. The PIO was directed to file a reply to the show cause before the next date of hearing

## Hearing dated 08.07.2021:

The case has come up for hearing today through video conferencing at DAC Ludhiana. The respondent present from the office of the Local Govt. Chandigarh informed that the information concerning them has already been provided and for the remaining information, the RTI application was transferred to Improvement Trust, Ludhiana vide letter dated 16.10.2019. The respondent further informed that he has already sent a reply to the show-cause notice.

Having gone through the reply received in the Commission on 06.04.2021, I accept the plea of the PIO-Local Govt. Pb Chandigarh and drop the show cause.

The appellant is absent and vide email dated 29.06.2021 has informed that after completing the inspection on 24.03.2021, he received a telephonic message from the office of Improvement Trust only on 28.06.2021 stating that the information is ready and the appellant may collect the same. However, on his visit at 2.30 PM to the office of Improvement Trust, it was told that the information has been sent through speed post.

The respondent from the office of Improvement Trust Ludhiana is absent and vide letter received in the office on 06.07.2021 has informed that the information has been sent to the appellant on 28.06.2021 through speed post.

The Commission observes that the delay has occurred on the part of the PIO-Improvement Trust, Ludhiana since the RTI application was transferred by the Local Govt. Department on 16.10.2019 whereas the information has been provided on 28.06.2021 with a delay of more than eight months. The PIO-Improvement Trust, Ludhiana is hereby directed 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 persons of the show cause and direct them to appear before the Commission along with the written replies.

To come up for further hearing on **03.11.2021 at 11.00 AM** through a video conference facility available in the office of Deputy Commissioner, Ludhiana.

Chandigarh
Dated 08.07.2021

Sd/-(Khushwant Singh) State Information Commissioner

CC to PIO-Executive Officer, Improvement Trust, Ludhiana

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Sh.Rakesh Kumar Gupta, Advocate, 8/237, Jagraon Road, Mandi Mullanpur, Distt. Ludhiana

Versus

**Public Information Officer**,

O/o Director, Local Govt. Department, Sector-35-A, Chandigarh.

First Appellate Authority,

O/o Director, Local Govt. Department, Sector-35-A, Chandigarh

...Respondent

... Appellant

Appeal Case No. 761 of 2020

PRESENT: None for the Appellant

Sh.Sanjeev Kumar, PIO for the Respondent

ORDER:

The case first came up for hearing on 24.08.2020. Due to a network problem, the VC could not take place. The respondents from different departments of the Local Govt. were present at Chandigarh. The respondents present from recruitment cell & Trust Service Cell pleaded that since the information relates to the third party, it cannot be provided and the reply has been sent to the appellant vide letter dated 17.07.2020 & 24.08.2020 respectively.

The respondent present from Municipal Trust Cell informed that the available information concerning them has been supplied to the appellant vide letter dated 02.07.2020. The respondent further informed that the information sought by the appellant is not specified and voluminous since the appellant had asked for information of different employees of Municipal Councils, Municipal Committees, Certified area Committees & Nagar Panchayats), Municipal Trusts and Municipal Corporation in the state of Punjab.

The respondent from LG-2 Branch also pleaded that the information sought by the appellant is not specified.

Having gone through the RTI application, reply submitted by the PIOs and discussions with the respondents, the Commission agreed that the information that has been sought by the appellant was very voluminous and not specific and involves diversion of manpower to procure the information of all employees of different departments of the Department of Local Bodies, as well as involves many PIOs in the process. The information also involves privacy issues of the employees since he has asked for educational certificates of all the employees working under the Local Govt. Department.

The appellant was directed to file a fresh application to the Commission and clearly specify the information that he seeks and also establish a larger public interest involved in revealing such voluminous and personal information.

On the date of the last hearing on 22.03.2021, the appellant was absent and vide email sent his reply which was taken on the file of the Commission.

The respondent was absent. The case was adjourned.

# Hearing dated 08.07.2021:

The case has come up for hearing today through video conferencing at DAC Ludhiana. The appellant is absent.

The respondent is present at Chandigarh. The respondent is directed to submit a complete list of posts of Class-1, Class-2 & Class-3 officers in all departments of the Local Govt.

The case is adjourned. To come up for further hearing on **03.11.2021 at 11.00 AM** through a video conference facility available in the office of Deputy Commissioner, Ludhiana. The PIO to appear at Chandigarh.

Chandigarh Dated 08.07.2021

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Sh.Rakesh Kumar Gupta, Advocate, 8/237, Jagraon Road, Mandi Mullanpur, Distt Ludhiana

... Appellant

Versus

Public Information Officer, O/o Director, Local Govt Department, Sector-35-A, Chandigarh.

First Appellate Authority, O/o Director, Local Govt Department, Sector-35-A, Chandigarh

...Respondent

## Appeal Case No. 762 of 2020

**PRESENT:** None for the Appellant

Sh.Sanjeev Kumar, PIO for the Respondent

#### ORDER:

The case came up for hearing first on **24.08.2020. D**ue to a network problem, the VC could not take place. The respondents from different departments of the Local Govt. were present at Chandigarh. The respondents present from the recruitment cell & Trust Service Cell have pleaded that since the available information concerning them has been provided to the appellant and the remaining information being third party, it cannot be provided and the reply has been sent to the appellant vide letter dated 16.07.2020 & 24.08.2020 respectively.

The respondents present from Municipal Trust Cell & LG-1, LG-2 & LG-3 Branch informed that the information sought by the appellant is not specified and voluminous since the appellant has asked for information of different employees of Municipal Councils, Municipal Committees, Certified area Committees & Nagar Panchayats), Municipal Trusts and Municipal Corporation in the state of Punjab.

Having gone through the RTI application, reply submitted by the PIOs and discussions with the respondents, the Commission agreed that the information that had been sought by the appellant is very voluminous and not specific and involves huge manpower to procure the information of all employees of different departments of the Department of Local Bodies, as well as involves many PIOs in the process. The information also involved privacy issue of the employees since he had asked for educational certificates of all the employees working under Local Govt. Department.

The appellant was directed to file a fresh application to the Commission and clearly specify the information that he seeks and also establish a larger public interest involved in revealing such voluminous and personal information.

On the date of last hearing on **22.03.2021**, the appellant was absent and vide email sent his reply which was taken on the file of the Commission.

The respondent was absent. The case was adjourned.

# Appeal Case No. 762 of 2020

# Hearing dated 08.07.2021:

The case has come up for hearing today through video conferencing at DAC Ludhiana. The respondent is present at Chandigarh.

The appellant is absent.

The case is adjourned. To come up for further hearing on **03.11.2021 at 11.00 AM** through a video conference facility available in the office of Deputy Commissioner, Ludhiana. The PIO to appear at Chandigarh.

Chandigarh Dated 08.07.2021

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Sh.Rakesh Kumar Gupta, Advocate, 8/237, Jagraon Road, Mandi Mullanpur, Distt Ludhiana

... Appellant

Versus

**Public Information Officer,** 

O/o Director, Local Govt Department, Sector-35-A, Chandigarh.

First Appellate Authority,

O/o Director, Local Govt Department, Sector-35-A, Chandigarh

...Respondent

Appeal Case No. 971 of 2020

PRESENT: None for the Appellant

Sh.Sanjeev Kumar, PIO for the Respondent

ORDER:

The case came up for hearing first on 24.08.2020. Due to a network problem, the VC could not take place. The respondents from different departments of the Local Govt. were present at Chandigarh. The respondents present from recruitment cell & Trust Service Cell pleaded that since the available information concerning them has been provided to the appellant and remaining information being third party, it cannot be provided and the reply has been sent to the appellant vide letter dated 17.07.2020 & 24.08.2020 respectively

The respondents present from Municipal Trust Cell & LG-1, LG-2 & LG-3 Branch informed that the information sought by the appellant is not specified and voluminous since the appellant has asked for information of different employees of Municipal Councils, Municipal Committees, Certified area Committees & Nagar Panchayats), Municipal Trusts and Municipal Corporation in the state of Punjab.

Having gone through the RTI application, reply submitted by the PIOs and discussions with the respondents, the Commission agreed that the information that has been sought by the appellant is very voluminous and not specific and involves huge manpower to procure the information of all employees of different departments of the department of Local Bodies, as well as involves many PIOs in the process. The information also involves privacy issue of the employees since he has asked for educational certificates of all the employees working under Local Govt. Department.

The appellant was directed to file fresh application to the Commission and clearly specify the information that he seeks and also establish a larger public interest involved in revealing such voluminous and personal information.

On the date of hearing on **22.03.2021**, the appellant was absent and vide email sent his reply which was taken on the file of the Commission.

The respondent was absent. The case was adjourned.

# Appeal Case No. 971 of 2020

## Hearing dated 08.07.2021:

The case has come up for hearing today through video conferencing at DAC Ludhiana. The respondent is present at Chandigarh.

The appellant is absent.

The case is adjourned. To come up for further hearing on **03.11.2021 at 11.00 AM** through a video conference facility available in the office of Deputy Commissioner, Ludhiana. The PIO to appear at Chandigarh.

Chandigarh Dated 08.07.2021





Sh.Sukhdhir Singh, Head Teacher, Block-Mangat-2, Ludhiana. R/o H No-4,BabaNand Singh Nagar, Basant Avenue Dugri, Ludhiana.

Versus

Public Information Officer, O/o DEO (EE), Ludhiana.

First Appellate Authority, O/o DEO (EE), Ludhiana.

...Respondent

... Appellant

Appeal Case No. 847 of 2020

PRESENT: Sh.Sukhdhir Singh as the Appellant

Smt.Sukhbir Kaur, Suptd. and Sh.Harwinder Singh, Clerk for the

Respondent

#### ORDER:

That the appellant through RTI application dated 06.09.2019 has sought information regarding observations /objections of DEO(EE) Ludhiana about his case on the state awards for the years 2018-19 & 2019-20, any objection if any, statement of complainant, enquiry report of the enquiry officer and other information concerning the office of DEO(EE) Ludhiana. The appellant was not provided with the information after which the appellant filed a first appeal before the First Appellate Authority on 01.01.2020 which took no decision on the appeal. After filing first appeal, the PIO sent a reply to the appellant vide letter dated 05.02.2020. On being not satisfied with the reply, the appellant filed a second appeal in the Commission.

The case first came up for hearing on **24.08.2020**. **D**ue to a network problem, the VC could not take place. The appellant was present at Chandigarh and informed that the PIO has not supplied the information as per the RTI application.

Having gone through the reply, the Commission observed that the reply was incomplete and without application of mind. The PIO was then directed to provide the information as per the RTI application. It was also stated that should the PIO seek any exemption to not provide the sought information, the PIO should give a speaking order using the exemptions provided under the RTI Act..

The Commission further observed that there had been an enormous delay in attending to the RTI application. Taking a serious view of this, the PIO was issued a **show-cause notice** under Section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time and directed to file a reply on an affidavit.

On the date of the last hearing on 22.03.2021, (1) Smt.Sukhbir Kaur, the PIO in this case was absent, nor had she filed any reply to the show-cause notice. (2) She was being represented by her colleague, who, however, was not the PIO in this particular case and had no authority letter to represent the PIO in this case. (3) The said information had not been provided.

## Appeal Case No. 847 of 2020

Since the PIO had neither provided the information on time as prescribed under section 7, which is within 30 days of the receipt of the request nor had replied to the show cause, it was presumed that the PIO has nothing to say on the matter.

Given the facts of the case, a penalty of **Rs.10,000/-** was imposed upon Smt. Sukhbir Kaur, PIO-DEO(EE) Ludhiana which was to be deposited in the Govt. Treasury. The PIO-DEO(EE) was directed to duly inform the Commission of the compliance of the orders by producing a copy of the challan justifying the deposition of the penalty in the Govt Treasury.

#### Hearing dated 08.07.2021:

**The c**ase has come up for hearing today through video conferencing at DAC Ludhiana. The PIO has not deposited the amount of penalty. The PIO is given one last opportunity to deposit the amount of penalty and submit proof of having deposited the penalty amount in the Govt. Treasury.

To come up for compliance on **03.11.2021 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Ludhiana.

Chandigarh Dated 08.07.2021 Sd/-(Khushwant Singh) State Information Commissioner

CC to :Director General School Education,Pb Mohali.

## **PUNJAB STATE INFORMATION COMMISSION**

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Sh.Sukhdhir Singh, Head Teacher, Block-Mangat-2, Ludhiana. R/o H No-4,BabaNand Singh Nagar, Basant Avenue Dugri,Ludhiana.

... Appellant

Versus

Public Information Officer, O/o DEO (EE), Ludhiana.

First Appellate Authority, O.o DEO (EE), Ludhiana.

...Respondent

## Appeal Case No. 1162 of 2020

PRESENT: Sh.Sukhdhir Singh as the Appellant

Sh.Harwinder Singh, Clerk O/o DEO(EE) for the Respondent

#### ORDER:

The case first came up for hearing on 24.08.2020 through video conferencing at DAC Ludhiana. Due to network problem, the VC could not take place. The appellant was present at Chandigarh and informed that the PIO has not supplied the information as per the RTI application.

Having gone through the reply, the Commission observed that the reply is incomplete. The PIO was directed to provide the complete information as per the RTI application within 15 days. If the PIO seeks any exemption, he was directed to give a speaking order.

On the date of hearing on **22.03.2021**, the respondent present pleaded that since he is the enquiry officer in the case, and the RTI application has been marked to him by the Superintendent, it was inappropriate for an enquiry officer to give an enquiry to the person against whom the enquiry was conducted.

He further added that the complete enquiry report has been sent to Director General, School Education Mohali for further action.

Director General School Education, Mohali was impleaded in the case and directed to provide information to the appellant. A copy of the RTI application was attached with the order for the PIO's perusal. The DGSE was also directed to conduct an enquiry into the factual position of handling of this RTI.

## Hearing dated 08.07.2021:

The case has come up for hearing today through video conferencing at DAC Ludhiana. The PIO-Director General Education, Pb Mohali is absent. The PIO-Director General Education Pb Mohali is given one more opportunity to appear at the next date of hearing and file an appropriate reply.

## Appeal Case No. 1162 of 2020

As per the appellant, the enquiry report is with the DEO. Sh.Kuldeep Singh, Dy.DEO is absent and vide email has sought exemption. Sh.Kuldeep Singh, Dy.DEO(EE) Ludhiana is directed to be present on the next date of hearing and submit his reply.

To come up for further hearing on **03.11.2021 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Ludhiana. The PIO-Director General School Education Mohali to appear through VC at DAC Mohali.

Chandigarh
Dated 08.07.2021

Sd/(Khushwant Singh)
State Information Commissioner

CC to :Director General School Education,
Pb Mohali

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Sh.Lakhvir Singh, S/o Sh.Harbans Singh, Villge Gharkhana, P.O Manki, Tehsil Samrala, Distt Ludhiana.

... Appellant

Versus

**Public Information Officer,** O/o Water Supply and Sanitation Deptt, Phase-2,Pb, Mohali.

First Appellate Authority, O/o Water Supply and Sanitation Deptt, Phase-2, Pb, Mohali.

...Respondent

# Appeal Case No. 778 of 2020

PRESENT: Sh.Lakhvir Singh as the Appellant

None for the Respondent

ORDER: Facts of the case:-

That the appellant through RTI application dated 10.10.2019 has sought information regarding permission granted for cultivating the land around the water tank, income from that cultivation to the department and other information concerning the office of Water Supply and Sanitation Department, Punjab Mohali. The appellant was not provided with the information after which the appellant filed a first appeal before the First Appellate Authority on 28.11.2019 which took no decision on the appeal.

That on the date of the first hearing on 24.08.2020, the respondent present pleaded that since the water supply scheme is being looked after by the concerned Municipal Committee and the chairman of concerned gram panchayat, the information is not available with them and the reply has been sent to the appellant vide letter dated 11.08.2020. The respondent was directed to procure the information from the concerned Sarpanch/Municipal Committee and provide to the appellant.

That on the date of the last hearing on **22.03.2021**, the appellant claimed that the PIO has not provided the information. The Respondent was absent nor had complied with the order of the Commission. There had been an enormous delay of more than one year and five months in providing the information. The PIO was issued a **show-cause notice under Section 20 of the RTI Act 2005 and directed to file a reply on an affidavit.** The PIO was again directed to provide information to the appellant within 15 days of the receipt of this order.

That the case has come up for hearing today through video conferencing at DAC Ludhiana. The respondent is absent on 2<sup>nd</sup> consecutive hearing nor has filed a reply to the show-cause notice as well as not provided the information.

Keeping the above-mentioned facts of the case, it is clear that the PIO-Water Supply and Sanitation Division, Pb Mohali is flouting the spirit of the RTI Act continuously. The PIO has not only shown utter disregard for the Commission's repeated orders to provide the information but has shown willful stubbornness in not replying to the Show Cause and not appearing before the commission despite various orders.

## Appeal Case No. 778 of 2020

To secure an erring PIO's presence before the commission the Information Commission is empowered to issue warrants to Under Section 18(3) of the RTI Act. A bailable Warrant of the PIO-Water Supply and Sanitation Division, Pb Phase-2, Mohali is hereby issued through Senior Superintendent of Police, Mohali for his presence before the Commission on 03.11.2021.

To come up for further hearing on **03.11.2021 at 11.00 AM**.

Chandigarh Dated: 08.07.2020

BAILABLE WARRANT OF PRODUCTION

**BEFORE** 

SHRI KHUSHWANT SINGH STATE INFORMATION COMMISSIONER, PUNJAB

**AT CHANDIGARH** 

In case:Lakhvir Singh V/s Public Information Officer, Water Supply and

Sanitation Division, Pb, Phase-2, Mohali

APPEAL CASE NO. 778 of 2020

UNDER SECTION 18 OF THE RIGHT TO INFORMATION ACT, 2005

Next Date of Hearing :03.11.2021

To

The Senior Superintendent of Police,

Mohali

Whereas The PIO- O/o Water Supply and Sanitation Division,

Punjab, Phase-2, Mohali has failed to appear before the State Information

Commissioner, Punjab despite the issuance of notice/summon in the above

mentioned appeal case. Therefore, you are hereby directed to serve this

bailable warrant to the PIO- O/o Water Supply and Sanitation Division,

Punjab, Phase-2, Mohali to appear before the undersigned at Red Cross

Building, Near Rose Garden, Sector 16, Chandigarh on 03.11.2021 at

11.00 A.M.

Chandigarh Dated: 08.07.2020

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Sh. Ujjagar Singh, S/o Late Sh Bant Singh, R/o Street NO-1, Maan Colony, Daba, Ludhiana.

... Appellant

Versus

## **Public Information Officer,**

O/o Chairman, Punjab State Scheduled Caste Commission, Pb, Chandigarh.

## First Appellate Authority,

O/o Chairman, Punjab State Scheduled Caste Commission, Pb, Chandigarh.

...Respondent

## Appeal case No.3556 of 2020

PRESENT: Sh.Ujjagar Singh as the Appellant

Ms.Bhawna Sethi, Clerk for the Respondent

## ORDER:

The appellant through RTI application dated 11.08.2020 has sought information regarding notices issued to the persons for appearing before the Committee constituted for conducting an enquiry on application registered to vide No.594 of 2020 – their statements action taken report and other information as enumerated in the RTI application from the office of Punjab State Scheduled Castes Commission. The appellant was not provided with the information after which the appellant filed the first appeal before the First Appellate Authority on 14.09.2020 which took no decision on the appeal.

The case first came up for hearing on 30.03.2021 through video conferencing at DAC Ludhiana. The appellant was absent and vide email informed that the PIO has not provided the information.

The respondent was absent. Having gone through the record, the Commission observes that there has been an enormous delay in attending to the RTI application. The PIO was directed to explain the reasons for the delay in providing the information and appear personally before the Commission on the next date of hearing along with a suitable reply.

# Hearing dated 08.07.2021:

The case has come up for hearing today through video conferencing at DAC Ludhiana. The appellant informed that the PIO has not supplied the information.

The respondent present pleaded that they received the RTI application on 08.09.2020 and since the enquiry was pending with the Director Bureau of Investigation, Punjab Chandigarh, the reply was sent to the appellant on 21.09.2020. The respondent further informed that they have already written to the Director of the Bureau of Investigation to complete the enquiry and send the enquiry report to them. As per the respondent, they have communicated the same vide letters dated 26.04.2020, 13.07.2020 & 18.05.2021.

## Appeal case No.3556 of 2020

From the facts of the case, it appears that the information is in the custody of the Director of the Bureau of Investigation. Hence, the PIO-Director of Bureau of Investigation, Punjab, Chandigarh is impleaded in the case and directed to provide whatever information is available on the record, to the appellant. A copy of the RTI application is being sent along with the order for reference.

To come up for further hearing on **03.11.2021 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Ludhiana. The PIO-Punjab SC Commission and Bureau of Investigation to appear through VC at DAC Mohali.

Chandigarh Dated: 08.07.2021 Sd/-(Khushwant Singh) State Information Commissioner

CC to :PIO-Director of Bureau of Investigation, Pb, Sector 9, Chandigarh.