



Sh. Vishal Singh Chauhan, Advocate,
H.No.127, Sector 10 – A, Chandigarh

Appellant

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.938 and 939 of 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 Complaint
30.08.2017/ 17.02.2018	Nil	27.10.2017/ 31.08.2017	12.01.2018/ 27.09.2017 04.08.2017	12.03.2018 06.03.2018

Present: **Appellant- Sh. Shreenath Ashok Khemka, Advocate, Proxy.**
 Respondents- Sh. Harmanjot Singh, Assistant O/o Department of Home Affairs and Justice.

ORDER

As already observed on couple of occasions, the matter is hanging fire since long. The case was fixed for the arguments after having been adjourned on a more than couple of occasions. The case has again come up today. The counsel for appellant, Sh. Shreenath Khemka, who has filed a fresh power of attorney, is present. He states that he has already submitted his written arguments before this forum and does not intend to add anything more. The matter as such should be finalized now.

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APPEAL CASE NOs.938 and 939 of 2018

Sh. Harmanjot Singh appearing on behalf of the respondents submits that there is a call to strike the work today by the Bar Association, Punjab. In the situation, the counsel of respondents is not in the position to attend this hearing. He seeks an adjournment.

The case is deferred to be heard for arguments on **27.08.2019 at 11.30 AM.**

08.08.2019

**Sd/-
(Yashvir Mahajan)
State Information Commissioner**



Sh.Pawan Kumar Sharma, Advocate
S/o Sh.Bhagwant Kishore,
H.No.585, Phase-2, Mohali.

Complainant

Versus

Public Information Officer,
O/o Senior Medical Officer,
SAS Nagar (Mohali).

Respondent

Complaint Case No.1162/2018

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/ Complaint
20.09.2018	Nil	Nil	Nil	01.11.2018

Present:

Complainant- Sh. Pawan Kumar Sharma, Advocate.

**Respondent- 1. Dr. Parminder, Nodal Officer, Civil Hospital, Mohali;
2. Smt. Manju Mahajan, Assistant Nodal Officer, Civil Hospital, Mohali;
3. Mr. Amritanshu, Computer Operator, Civil Hospital, Mohali.**

ORDER:

The following order was passed on 13.06.2019:

This case has been committed to this Bench on the demitting of office by the former Information Commissioner Smt. Viney Kapoor Mehra. In her order dated 08.01.2019, she has made observations about the public authority to depute the officials who are well conversant with the facts of the case. The PIO has deputed a Staff Nurse who is not in a position to explain the legal stance of the respondents. The Commission finds that in their reply, the respondents have requisitioned a sum of Rs.5000/- as cost of providing information without any calculation of the amount. The conduct of the PIO smacks of his ignorance of law and defiance of the directions of the Commission.

It seems to be an act of willful suppression of the information.

PIO is hereby issued a Notice to show cause as to why penalty as envisaged in Section 20(1) of RTI Act be not imposed on him for causing willful delay / denial of the information to the RTI applicant and why the compensation be not awarded to the Complainant 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

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Complaint Case No.1162/2018

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 appellant has sought exemption due to his indisposition having been afflicted with Herpes Zoster. The Commission accedes to his request and condones his absence.”

The case has again come up today. The matter has been discussed. The complainant has got apprehension of some irregularities in payments made against stationery items supplied by a concern namely M/s. Atul Industries, Plot no. F78-Industrial Area, Phase-7, Mohali during the last couple of years. The respondents are directed to inform him about the aforementioned transaction quickly.

To come up on **19.09.2019 at 11.30 AM.**

08.08.2019

**Sd/-
(Yashvir Mahajan)
State Information Commissioner**



Sh. Kuldip Singh Garcha,
Executive Engineer
Panchayati Raj Public Works Division.
S.A.S. Nagar (Mohali)

Appellant

Versus

Public Information Officer,
O/o Chief Engineer (PR),
Panchayati Raj Public Works, Punjab,
Vikas Bhawan, Phase-8, SAS Nagar (Mohali).

First Appellate Authority,
O/o Chief Engineer, (PR),
Panchayati Raj, Public Works,
Vikas Bhawan, Phase-8, SAS Nagar (Mohali).

Respondents

Appeal Case No.1499/2019

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/ Complaint
04.06.2018	20.7.2018	08.02.2019	Nil	23.04.2019

Present: Appellant- Sh. Kuldip Singh.
Respondents- Sh. Jagjit Singh, Senior Assistant.

ORDER:

The following order was passed on 27.06.2019:

“The appellant is seeking the copies of his Annual Confidential Reports from 2013-14 to 2016-2017. The appellant admits having received the ACRs for the years 2013-14, 2015-16 & 2016-17. The respondents say that the ACR relating to the year 2014-15 is not available in the record. The appellant says that the same has been malafidely mis-placed to harm his career and promotion prospects. The Commission is not inclined to accept the version of the respondents unless the record has been destroyed according to the retention policy or its loss has been duly reported earlier.

The Commission directs the PIO to arrange to provide the same within 10 days from the

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Appeal Case No.1499/2019

receipt of the order positively, failing which, it shall be presumed that the information is being withheld willfully and the penal consequential action shall follow.”

The case has come up today. The PIO in the O/o Chief Engineer, Panchayati Raj, has submitted a memo dated 08.08.2019, wherein a plea has been take that the ACR in contention was sent to Sh. G.S Ghuman, the then Joint Development Commissioner under ID No.270 dated 29.06.2015, the then accepting authority and has not been received back. The PIO in the O/o the Director, Department of Rural Development and Panchayat dealing with the RD-V branch is hereby desired to throw light on the same in writing before the next date of hearing and attend the proceeding along with the record. Be it noted that in the absence of convincing response, he shall be considered as a deemed PIO and the onus shall entirely devolve upon him for the penal consequences for non-furnishing of information.

To come up on **19.09.2019 at 11.30 AM.**

08.08.2019

**Sd/-
(Yashvir Mahajan)
State Information Commissioner**

PUNJAB STATE INFORMATION COMMISSION
RED CROSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGARH
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Smt. Harinder Kaur,
W/o Sh. Paramjit Singh,
R/o Village-Babak,
Tehsil-Tanda, District-Hoshiarpur.

Complainant

Versus

Public Information Officer,
O/o Superintendent,
Civil Hospital, Faridkot.

Respondent

Complaint Case No.1228/2018

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/ Complaint
23.10.2018	Nil	Nil	Nil	03.12.2018

Present: Appellant- Sh. Arvinder Singh, Proxy;
Respondent- None.

ORDER:

The respondent is absent. The matter shall be heard on **19.09.2019 at 11.30**

AM. Meanwhile, the respondent is directed to provide the information within a week from receipt of this order.

08.08.2019

**Sd/-
(Yashvir Mahajan)
State Information Commissioner**

PUNJAB STATE INFORMATION COMMISSION
RED CROSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGARH
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Sh. Jog Raj
President, Gram Vikas Sabha
Village Karnana, Tehsil Nawanshahar,
Dist. S.B.S. Nagar (Nawanshahar)

Appellant

Versus

Public Information Officer,
O/o Block Development & Panchayat
Officer (Election Cell), Banga,
District SBS Nagar(Nawanshahar).

First Appellate Authority-cum-
Distt. Development & Panchayat Officer,
SBS Nagar(Nawanshahar).

Respondents

Appeal Case No.1501/2019

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/ Complaint
27.12.2018	26.02.2019	27.02.2019	Nil	23.04.2019

Present: Appellant- None;
Respondents- Sh. Neeraj Kumar, BDPO.

ORDER:

The appellant is absent. On request of the respondents, the matter is adjourned

to be heard on **17.09.2019 at 11.30 AM.**

08.08.2019

Sd/-
(Yashvir Mahajan)
State Information Commissioner



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:

Appellant- None.

**Respondents- 1. Sh. Girish Verma, EO;
2. Sh. Lakhbir Singh, Building Inspector, MC office,
Zirakpur.**

ORDER

The following order was made by the Commission on 11.06.2019:-

“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 made thereon, if any. The respondents have stone-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.

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Appeal Case No.3265/2018

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 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 matter has again been taken up today. Sh. Girish Verma, PIO – cum – EO, MC, Zirakpur was issued a show cause notice. Neither he has come present nor has he filed a written explanation. His proxy is seeking an adjournment. The matter shall be reheard on 28.03.2019 at 11.30 AM.”

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Appeal Case No.3265/2018

28.03.2019

The matter has again come up today. It seems that the Executive Officer, M.C., Zirakpur is defiant and disdainful to the Commission's orders/directions. He is hereby directed to appear in person on the next date of hearing along with an affidavit explaining his conduct and the original record pertaining to the information sought. The Commission underlines that he will further ignore these orders at the cost of serious consequences."

23.04.2019

Today, the Appellant is absent. On behalf Respondents, Sh. Lakhbir Singh, Building Inspector comes present. He states that they have not received the orders stated to have been passed by the Commission. He seeks adjournment to supply the requisite information. The matter shall be taken up on 11.06.2019 at 11.30 AM.

11.06.2019

The case has come up today. The matter is adjourned.

*To come up for hearing **on 08.08.2018 at 11.30 AM."***

The matter has come up today. Sh. Girish Verma, PIO, submits that the information sought was sent under registered cover on 11.06.2019. The appellant being absent, the Commission presumes that he has received the information to his satisfaction. From the interim order, it is suggested that the respondents have taken inordinate delay in attending to the application. Sh. Girish Verma, EO, who is present, submits that his charge is very heavy and he is shorthanded. Besides this, he says that the matter was not brought to

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Appeal Case No.3265/2018

his notice by the officials. He regrets the delay. Taking the holistic view of the matter, the appeal is **disposed** and the show cause notice is filed with the caution to the PIO to be careful in future.

08.08.2019

**Sd/-
(Yashvir Mahajan)
State Information Commissioner**



Sh. Kashmir Singh Bhinder,
S/o Sh. Kartar Singh,
H.No.2414, Phase XI, Sector – 65,
S.A.S Nagar.

Appellant

Versus

Public Information Officer,
O/o Block Development and Panchayat Officer,
Kot Isse Khan, Tehsil Dharamkot,
Distt. Moga.

First Appellate Authority,
O/o Block Development and Panchayat Officer,
Kot Isse Khan, Tehsil Dharamkot,
Distt. Moga.

Respondents

Appeal Case No.2282/2018

Date of RTI application: 05.02.2018
Date of First Appeal : 30.04.2018
Date of Order of FAA or Reply: Nil
Date of 2nd Appeal/complaint: 09.07.2018

Present: **Appellant- None;**
 Respondents- None.

ORDER

The following order was made on 12.03.2019:

It shall be prudent to reproduce the order passed by this forum on 22.11.2018

which shall throw light on the factual matrix of the issue:

“Vide application dated 05.02.2018 the appellant had sought to know the details of development works with the description mentioned in his original application and the connected information.

Due to technical glitch the video conference could not mature. The appellant is present at Commission’s office, Chandigarh. From the perusal of record and hearing the appellant it transpires that the original application was filed on 05.02.2018.

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Appeal Case No.2282/2018

Having failed to receive the information even after filing first appeal the appellant has been constrained to file second appeal with the Commission. None is present on behalf of the respondents. No reply has been filed.

The Commission takes strong exception to such a lackadaisical attitude on the part of respondents. At the face of it the respondents have violated Section 7(1) of the RTI Act and rendered themselves liable for penal consequences.

The PIO – cum - BDPO, Kot Isse Khan, District Moga 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) (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.”

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Appeal Case No.2282/2018

“The case has come up today. The parties are present. The proxy for the respondents submits that the information has been dispatched to the appellant under registered cover today. They have brought along a copy of the same which has been handed over on spot to the appellant. The appellant may like to go through it and point out in writing the deficiency, if any, which shall be addressed to by the respondents. The Commission further observes that there has been a glaring and inordinate delay in responding to the application. The respondents are desired to explain in writing as has been mentioned in the show cause notice before the next date of hearing failing which it shall be presumed that they have nothing to say and suitable call on the same shall be taken accordingly.

The matter has again been taken up today. The Commission feels that though the material part of the information relating to the application has been supplied however some of the points which are in the nature of seeking explanations or replies to certain queries have not been responded to. Even so, the information stated to have been provided is unduly delayed. It is understood that the charge of BDPO, Kot Isse Khan has changed many hands. The Commission directs the incumbent officer to inform the Commission about the history of posting of PIOs in this case from the date the application was filed and the information supplied.”

The case has come up today. Despite having been afforded umpteen opportunities, the respondents have not bothered either to attend hearing or file any explanation for the delay in

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Appeal Case No.2282/2018

providing the information. Exercising its authority under section 20 (1) of the RTI Act, after taking some extenuating factors in view, the Commission imposes a penalty of Rs. 10,000/- (Ten Thousand only) in lump sum on PIO/the incumbent BDPO, to be recovered from his salary in two equal installments from the month of September onwards. The DDO shall deposit it in the Govt. treasury under the head: **- 0070-Other Administrative Services- 60 Other Services- 800 Other Receipts- 86 Fee under RTI Act, 2005.** A copy of the challan shall be sent to the Commission for record immediately.

By the callous conduct of the PIO, the appellant has been put to a lot of harassment. A compensation to an extent of Rs. 3000/- (Three Thousand only) is awarded to the appellant for the detriment suffered by him in terms of Section 19(8) (b) of the Act. It shall be paid by the public authority from its account by way of demand draft in favor of the appellant within a month of the receipt of the order positively.

Disposed.

08.08.2019

**Sd/-
(Yashvir Mahajan)
State Information Commissioner**

CC: The Director, Department of Rural Development and Panchayats, Sector-62, Mohali.

PUNJAB STATE INFORMATION COMMISSION
RED CROSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGARH
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Smt. Gurdev Kaur,
W/o Late Sh. Kehar Singh,
Mohalla Shaheed Bhagat Singh Nagar,
Duarewana Road, Kotkapur.

Complainant

Versus

Public Information Officer,
O/o Pradhan, The Scheduled Caste
Land Owning Society, Distt. Faridkot.

Respondent

Complaint Case No.608/2018

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/ Complaint
26.03.2018	Nil	Nil	Nil	05.05.2018

Present: Appellant- None;
Respondent- None.

ORDER:

The complainant requested the Commission to fix the hearing through video conference. Her request is accepted. The matter shall be heard on **23.10.2019 at 11.30 AM** through video conference at Faridkot.

08.08.2019

Sd/-
(Yashvir Mahajan)
State Information Commissioner



Sh. Anoop Khullar
S/o Sh.Som Nath Khullar,
R/o H.No.1089, Sector-51,
Chandigarh.

Complainant

Versus

Public Information Officer,
O/o Executive Officer,
Municipal Council, Amloh,
District Fatehgarh Sahib.

Respondent

Complaint Case No.390/2019

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/ Complaint
19.03.2019	Nil	Nil	Nil	22.04.2019

Present: Complainant- Sh. Anoop Khullar;
Respondent- Sh. Amarjit Singh, J.A., M.C. Amloh, Distt. Fatehgarh Sahib.

ORDER:

The following order was passed on 27.06.2019:

“The representative of the respondents Shri Amarjit Singh, J.A. is present.

He submits that the PIO as well as the Dealing Assistant are on leave. He requests for an adjournment.

*The matter shall be heard on **08.08.2019 at 11.30 AM.***

Meanwhile, the respondents are directed to provide the information complete in all respects to the complainant under intimation to the Commission well before the next date.”

The case has come up today. The complainant admits having received the information. The same is not certified under proper signatures. The Commission directs the respondents to provide the information duly stamped and signed by putting in the name of the

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Complaint Case No.390/2019

official providing the information. The residual information should also be provided before the next date of hearing positively. Any laxity shall invite serious consequences.

To come up on **17.09.2019 at 11.30 AM.**

08.08.2019

**Sd/-
(Yashvir Mahajan)
State Information Commissioner**



Sh. Anoop Khullar
S/o Sh.Som Nath Khullar,
R/o H.No.1089, Sector-51,
Chandigarh.

Complainant

Versus

Public Information Officer,
O/o Executive Officer,
Municipal Council, Amloh,
District Fatehgarh Sahib.

Respondent

Complaint Case No.385/2019

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/ Complaint
12.02.2019	Nil	Nil	Nil	18.04.2019

Present: Complainant- Sh. Anoop Khullar;
Respondent- Sh. Amarjit Singh, J.A., M.C. Amloh, Distt. Fatehgarh Sahib

ORDER:

The following order was passed on 27.06.2019:

“The representative of the respondents Shri Amarjit Singh, J.A. is present.

He submits that the PIO as well as the Dealing Assistant are on leave. He requests for an adjournment.

*The matter shall be heard on **08.08.2019 at 11.30 AM.***

Meanwhile, the respondents are directed to provide the information complete in all respects to the complainant under intimation to the Commission well before the next date.”

The case has come up today. The complainant admits having received the information. The same is not certified under proper signatures. The Commission directs the respondents to provide the information duly stamped and signed by putting in the name of the

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Complaint Case No.385/2019

official providing the information. The residual information should also be provided before the next date of hearing positively. Any laxity shall invite serious consequences.

To come up on **17.09.2019 at 11.30 AM.**

08.08.2019

**Sd/-
(Yashvir Mahajan)
State Information Commissioner**

PUNJAB STATE INFORMATION COMMISSION
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Email:psic22@punjabmail.gov.in



Sh. Harnam Dass,
H.No.3165-D, Sector-40,
Chandigarh

Appellant

Versus

Public Information Officer,
O/o District Development & Panchayat Officer,
Kapurthala.

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

Respondents

Appeal Case No.1454/2019

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/ Complaint
04.01.2019	Nil	05.02.2019	Nil	18.04.2019

Present: Appellant - None;
Respondents- None.

ORDER:

Sh. K.B Singh, Advocate, has conveyed through e-mail that he has been engaged by the appellant. Due to some emergency, he is unable to attend the proceedings. He has requested for an adjournment. His request is accepted. The case is deferred to be heard on **24.09.2019 at 11.30 AM.**

08.08.2019

**Sd/-
(Yashvir Mahajan)
State Information Commissioner**