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Sh. Hitender Jain, Resurgence India,

B-34, Chander Nagar, Civil Lines,

Ludhiana -141001 Complainant

Versus

Public Information Officer,

O/o Commissioner,

Municipal Corporation, Mata Rani Chowk,

Ludhiana Respondents

**COMPLAINT CASE NO. 139/2006**

**(Non Compliance or Order)**

Date of RTI application :

Date of First Appeal :

Date of Order of FAA :

Date of 2nd Appeal/complaint :

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

 Sh. Harminder Singh, Building Inspector, MC Office, Ludhiana – for Respondent.

**ORDER**

This case was recalled for want of compliance of the order passed on 30.10.2006 imposing a penalty of Rs.10,000/- on the respondent.

 Sh. Harminder Singh, Bldg. Inspector appearing on behalf of the respondent has produced a copy of the challan dated 01.12.2017 remitting Rs.10,000/- imposed as a penalty in the State Bank of India Treasury Branch (Govt. Treasury), Ludhiana. The aforesaid order has been complied. No further action is called for.

 **Disposed.**

 **Sd/-**

**09.01.2017 (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. Respondents

 **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:** Sh. Sham Arora on behalf of the Complainant.

Ms. Amanpreet Kaur proxy counsel of Adv. Nakul Sharma – for Respondent.

**ORDER**

Ms. Amanpreet Kaur proxy counsel for Adv. Nakul Sharma submits that the order passed by the Commission on 10.10.2017 has been agitated in the Hon’ble Punjab & Haryana High Court by way of a writ petition diarised in the Registry of No.U/1907170.

 The matter is adjourned **sine die**. The Deputy Registrar is directed to fix the complaint for hearing after the writ has been considered by the Hon’ble Punjab & Haryana High Court.

 **Sd/-**

**09.01.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**CC: Deputy Registrar, PSIC.**

 **PUNJAB STATE INFORMATION COMMISSION**

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Sh. K.N.S. Sodhi,

House No.1634, Sector-70,

S.A.S. Nagar (Mohali) Appellant

Versus

Public Information Officer,

O/o Municipal Corporation,

Sector-68, S.A.S.Nagar (Mohali)

First Appellate Authority

O/o Commissioner,

Municipal Corporation,

Sector-68, S.A.S.Nagar (Mohali) Respondents

 **APPEAL CASE NO.1937/2017**

Date of RTI application : 20.04.2017

Date of First Appeal : 05.06.2017

Date of Order of FAA : -

Date of 2nd Appeal/complaint : -

**Present:** Sh. Ajay Kumar on behalf of the Appellant.

 Sh. Akshaya Sama, JE, MC Office, Mohali – for Respondents.

**ORDER**

 The inspection has not matured despite Commission’s candid order. Another opportunity is afforded to the respondents to convey him the specific date and time to arrange inspection and provide him with the certified copies of the documents thus asked for.

 To come up on **08.02.2018 at 11.30 AM.**

 **Sd/-**

**09.01.2018 ( Yashvir Mahajan )**

 **State Information Commissioner**

 **PUNJAB STATE INFORMATION COMMISSION**

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Sh. Harkiranpal Singh

House No.11, Phulkiyan Enclave,

Behind Mini Sectt., Patiala. Appellant

Versus

Public Information Officer,

O/o Municipal Corporation,

Patiala

First Appellate Authority

O/o Commissioner,

Municipal Corporation,

Patiala. Respondents

 **APPEAL CASE NO.1661/2017**

Date of RTI application : 05.04.2017

Date of First Appeal : 10.05.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 10.05.2017

**Present: None.**

**ORDER**

 The following order was passed by the Commission on 21.12.2017:

 *“There seems to be some communication gap between the Parties in compliance with the orders passed earlier.*

 *Sh. M.M.Syal, PIO – cum - XEN (Hqr.), Municipal Corporation, Patiala is directed to get the relevant record inspected after giving him due date and time and arrange to give him certified copies as identified by him not beyond one hundred pages under intimation to the Commission.”*

Neither the appellant is present nor anything has been heard from him. None is present on behalf of the respondents also.

 Vide communication dated 18.10.2017 received in the Commission on 23.10.2017 the respondents have informed that they have provided appellant the sought for information. They have further stated that no other record qua his application is available. Seemingly, the appellant is satisfied and does not want to further pursue the matter.

 **Disposed.**

 **Sd/-**

**09.01.2018 (Yashvir Mahajan)**

 **State Information Commissioner**

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

**CC: Sh. M.M.Syal, XEN (Hqr.) – cum – PIO, Municipal Corporation, Patiala**

 **PUNJAB STATE INFORMATION COMMISSION**

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Sh. Harkiranpal Singh

House No.11, Phulkiyan Enclave,

Behind Mini Sectt.,

Patiala Appellant

 Versus

Public Information Officer,

O/o Improvement Trust,

Patiala

First Appellate Authority

O/o Improvement Trust,

Patiala Respondents

 **APPEAL CASE NO.1662/2017**

Date of RTI application : 27.02.2017

Date of First Appeal : 05.04.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : recd. in Commission on 20.06.2017

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

 Sh. Gurmail Singh, APIO – cum – Trust Engineer, O/o Improvement Trust, Patiala – for Respondents.

**ORDER**

 The appellant is absent. Nothing has been heard from him.

 Vide their communication dated 14.12.2017 the respondents had submitted that the entire record concerning the original application was provided to him. However, on the insistence of the appellant the respondents were asked to allow him the inspection of the record.

 The respondent says that due communication was sent to him to come on a specified date and time. However, neither he turned up nor any communication was received from him. The Commission feels that he is satisfied with the record that was made available to him.

 The appeal is **disposed.**

 **Sd/-**

**09.01.2018 (Yashvir Mahajan)**

 **State Information Commissioner**

 **PUNJAB STATE INFORMATION COMMISSION**

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Sh. Gurbax Singh,

House No.16-C, Dr. Kitchlu Nagar,

Rajpura Road, Civil Lines,

Ludhiana Appellant

 Versus

Public Information Officer,

O/o Director,

Rural Development & Panchayats Deptt. Punjab,

Vikas Bhawan, Sector-62, S.A.S. Nagar.

Public Information Officer,

O/o Director of Public Instructions (EE), Punjab,

Vidya Bhawan, Pb. School Edu. Board Complex,

Sector – 62, SAS Nagar (Mohali).

First Appellate Authority

O/o Financial Commissioner,

Rural Development & Panchayat, Punjab,

Punjab Civil Sectt., Chandigarh Respondents

 **APPEAL CASE NOs.3541 and 3543 of 2016**

 **Date of RTI Application : 16.04.2016 Date of First Appeal : 21`.05.2016**

 **Date of Order of FAA : Nil**

 **Date of Second Appeal : 23.08.2016**

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

 1. Sh. Gurmeet Singh Sidhu, PIO – cum - Deputy Director, Rur. Dev. & Panchayats Deptt., Punjab, and

 2. Sh. Sohan Singh, PIO – cum – Assistant Director, O/o DPI (EE),Pb. – for Respondents.

**ORDER**

 To have clear perspective of the issue it shall be prudent to reproduce the order passed by the Commission on 21.12.2017:

 “*The following order was passed by the Commission on 24.10.2017:*

 *The appellant has requested for adjournment.*

 *This is a long standing case. Numerous directions have been given over a period of time. On the last date of hearing on 09.08.2017 the following order was passed by this forum :-*

 *“This be read in continuation of our order dated 05.07.2017.*

 *Contd..page…2*

 *-2-*

***APPEAL CASE NOs.3541 and 3543 of 2016***

 *Sh. Gurmeet Singh Sidhu, PIO – cum – Deputy Director, Rural Dev. & Panchayats Department, Punjab, is present in person. He reiterates that the record in question was forwarded to*

*the Director of Public Instructions (EE), Mohali. A letter enclosing a list of files transferred to the Director of Public Instructions (EE) has been submitted. A file dealing with the RTI applications on the subject also figures in the same. The Commission is at a loss to understand as to how the Directorate of the Elementary Education, Punjab is passing the buck to the Deputy District Education Officer (EE), Ludhiana. The PIO in the office of the Director of Public Instructions (EE), Punjab, Mohali is directed to come present with the aforementioned file in original on the next date of hearing to enable the Commission to ascertain the factual position of the matter.*

 *The PIO in the office of the Director, Rural Development and Panchayats, Punjab, Mohali shall also come present as well.”*

 *An express direction to the PIO in the office of the Director of Public Instructions
(EE), Punjab, SAS Nagar was given to come present along with the record. Neither he is present nor he has filed a written reply. It was specifically pointed out that the issue relates to him. Despite the unambiguous directions of the Commission he has again passed the directions down to the District Education Officer (EE), Ludhiana. Obviously the PIO in the office of the Director of Public Instructions (EE), Punjab, SAS Nagar is indifferent and defiant to the directions of this forum. The issue has to be taken to the logical end. Since the PIO is refusing to cooperate, the Commission in exercise of its authority under Section 18(3) (a) of the Act is constrained to issue a bailable warrant for a sum of Contd..page…3*

 *-3-*

***APPEAL CASE NOs.3541 and 3543 of 2016***

*Rs.20,000/- to ensure his presence along with record. Senior Superintendent of Police, SAS Nagar (Mohali) is directed to serve it on Sh. Sunil Kumar, PIO – cum – Assistant Director (Admn. 2), O/o*

*Director of Public Instructions (EE), Punjab, Vidya Bhawan, Pb. School Edu. Board Complex,
Sector – 62, SAS Nagar and ensure his presence with entire relevant record before the Commission on* ***21.11.2017 at 11.30 AM.”***

 ***“****The case has come up today.*

 *Sh. Sunil Kumar, the then PIO – cum – Assistant Director (Estt.2), O/o DPI (EE), Punjab, has submitted an explanation that he has held the charge of the PIO for a very short and fleeting period and has been, most of the time, facing temporary medical emergency having been operated. He has expressed his regrets for having failed to join the proceedings for the aforesaid reasons. The submissions made by him seem genuine. The bailable warrant issued against him stands discharged.*

 *Sh. Sohan Singh, PIO – cum – Assistant Director, DPI (EE) is present. He has brought along an enquiry report submitted by the Additional Deputy Commissioner (Dev.), Faridkot to the government. A certified copy of the same has been handed over to the appellant on spot. He further submits that no any other enquiry report so far has been submitted to the government with reference to the other district.*

 *Sh. Gurmeet Singh Sidhu, PIO – cum – Deputy Director, Rural Dev. & Panchayats is also present. He conveys that the entire record on the issue has already been sent across to the Department of Education.*

 *Contd…Page…4*

 *-4-*

***APPEAL CASE NOs.3541 and 3543 of 2016***

 *The Commission does not see any malafide on the part of the officials holding the*

*charge at this moment for withholding the record. Seemingly, as reported by them a particular letter which is being insisted upon by the appellant has been misplaced or lost in the shuffling or transfer of the record.*

 *The PIOs in the O/o the Director of Public Instructions (EE) and Director, Rural Dev. & Panchayats, Punjab, are directed to file affidavit to the above effect enabling the Commission to take a final call on the issue.”*

The cases have come up today. In compliance with the aforesaid order,
Sarvshri Sohan Singh, PIO – cum – Assistant Director, DPI (EE) and Gurmeet Singh Sidhu, PIO – cum – Deputy Director, Rural Dev. & Panchayats have submitted their affidavits deposing that they have transmitted the entire information available to the information seeker and they have not withheld any information that is available with them. In view of the same their request to drop the matter is accepted and the appeals are **disposed.**

**Sd/-**

**09.01.2018 (Yashvir Mahajan)**

 **State Information Commissioner**

**Cc: The Director of Public Instructions (EE), Punjab,**

 **Vidya Bhawan, Pb. School Education Board Complex,**

 **Sector – 62, SAS Nagar (Mohali).**

**CC: The Director of Rural Development & Panchayats, Punjab,**

 **Vikas Bhawan, Sector 62, SAS Nagar (Mohali).**

**CC: Sh. Gurmeet Singh Sidhu, PIO – cum - Deputy Director, Rur. Dev. & Panchayats Deptt., Punjab, Vikas Bhawan, Sector – 62, SAS Nagar (Mohali).**

 **CC: Sh. Sohan Singh, PIO – cum – Assistant Director (Admn. 2), Vidya Bhawan, Pb. School Edu. Board Complex, Sector – 62, SAS Nagar.**

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Ms. Tej Kaur

W/o Sh. Randhir Singh,

House No.29, Top Floor, SIHFW Complex,

Phase 6, S.A.S Nagar. Complainant

Versus

Public Information Officer,

O/o Senior Medical Officer (Incharge-1),

Civil Hospital, Phase -6, S.A.S. Nagar.

First Appellate Authority

O/o Civil Surgeon,

Phase 6,S.A.S. Nagar Respondent

 **COMPLAINT CASE NO.748/2017**

Date of RTI application : 27.03.2017

Date of First Appeal : 09.05.2017

Date of Order of FAA : Reply 18.05.2017

Date of 2nd Appeal/complaint :27.07.2017

**Present:** Mrs. Tej Kaur, Complainant in person.

 1. Dr. Parminder Jit Singh, Medical Officer,

 2. Sh. Amrit Agrnihotri, Computer Operator, Civil Hospital, Mohali – for Respondent.

**ORDER**

 This should be read in continuation of Commission’s order dated 21.12.2017.

 The parties are present. It transpires that the order of the Commission passed on 21.12.2017 could not be complied with on account of transfer of the PIO. Another opportunity is afforded to him to arrange to show him the X-ray films before the next date of hearing. The incumbent PIO should assure compliance.

 To come up on **08.02.2018 at 11.30 AM.**

 **Sd/-**

**09.01.2018 (Yashvir Mahajan)**

 **State Information Commissioner**

**CC: PIO – cum – Sr. Medical Officer, Civil Hospital, Phase – VI,**

 **Mohali, for n/a.**

**CC: The Civil Surgeon,**

 **Civil Hospital, Phase – VI, SAS Nagar (Mohali).**

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Sh. Jasbir Singh, Editor Arjun Patrika,

Village Bholapur Jhabewal, P.O. Ramgarh,

Distt. Ludhiana -123455 Complainant

Versus

Public Information Officer,

O/o District Transport Officer,

Ferozepur. Respondent

 **COMPLAINT CASE NO.775/2016**

 **Date of RTI Application : 01.02.2016**

 **Date of Complaint : 31.03.2016**

 **Date of Order of FAA : NIL**

 **Date of Second Appeal : Nil**

**Present:** None.

**ORDER**

 In order to have the things in perspective it shall be prudent to reproduce the order passed on 10.10.2017:

 *“The Commission had made the following order on 10.08.2017:*

 *“The following order was passed on 10.05.2017 by the Commission :-*

 *“The respondent is neither present nor anything has been heard from him. The Commission takes it as a willful denial of information and observes that the respondent has rendered himself liable for imposition of penalty under Section 20(1) of the Act. 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 Complainant under Section 19 (8) (b) of the Act for the detriment suffered by him.*

 *Contd…page…2*

 *-2-*

**COMPLAINT CASE NO.775/2016**

 *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.”*

 *”Another opportunity was also provided to Sh. Harjit Singh Sandhu, PCS, PIO – cum – District Transport Officer, to file an appropriate reply vide order dated 18.07.2017 which is also reproduced hereunder:-*

 *“A show cause notice stands already issued to the PIO, O/o the District Transport Officer, Ferozepur for having failed to file a reply.*

 *A final opportunity is afforded to Sh. Harjit Singh Sandhu, PCS, PIO – cum - District Transport Officer, Ferozepur to file an appropriate reply. Be it noted that this is a final opportunity failing which the penalty as envisaged in the RTI Act shall be imposed.”*

 *“Thereafter despite affording more than couple of occasions the respondents have refused either to attend the Court or provide the information. Obviously, he has nothing to say on the show cause notice already issued to him. The liability on the part of the respondents is inescapable. Exercising its authority under Section 20(1) of the RTI Act, the Commission imposes a penalty of Rs.10,000/- (Rupees Ten Thousand only) in lump sum on Sh. Harjit Singh Sandhu, District Transport Contd…page…3*

 *-3-*

***COMPLAINT CASE NO.775/2016***

 *Officer, Ferozepur as the delay is beyond 100 days. The Drawing & Disbursing Officer is directed to deposit the amount of penalty in the government Treasury in two equal installments from his salary from the month of September, 2017 under head given below :*

*- 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 before the next date of hearing positively.*

 *The District Transport Officer has shown total indifference, in application and defiance to the valid orders passed by the Commission. The same is highly unbecoming of a public servant. In exercise of its authority under Section 20(2) of the Act his disciplinary authority is desired to take appropriate note of the same and take disciplinary action for dereliction of his duties and defiance of the orders duly passed by the Commission.”*

 *“The matter has come up today for monitoring the compliance of above order.*

 *Sh. Harjit Singh Sandhu, PCS is present. He has filed an application to review the order on account of a factual error in the same. He submits that the original application was filed by the complainant on 01.02.2016 whereas he has only held the charge for a very short duration from 12.06.2017 to 18.08.2017 and that too in an additional capacity. According to him the post was manned by Sh. Charandeep Singh, PCS. The Commission finds merits in his submission. The order*

 *Contd…page…4*

 *-4-*

***COMPLAINT CASE NO.775/2016***

*as such is held in abeyance. The show cause notice issued earlier to Sh. Harjit Singh Sandhu is now directed towards Sh. Charandeep Singh, PCS, the then District Transport Officer, Ferozepur now Sub Divisional Magistrate, Guru Harsahai, District, Ferozepur who shall explain in writing as to why penalty thus ordered on Sh. Harjit Singh Sandhu should not be imposed on him and recovered.”*

The case came up for hearing on 10.10.2017. Sh. Charandeep Singh, PCS, the then DTO, Ferozepur now SDM, Guruharsahai sought exemption from hearing on account of his business with the conduct of municipal elections.

 The case came up for hearing today. None is present. A communication in the shape of an affidavit has been received from Sh. Charandeep Singh. He pleads that he had relinquished the charge of his office on 20.06.2016 and the show cause notice issued to him was never received by him. According to him the officer who succeeded him ignored the show cause notice and as such the notice issued to him may be withdrawn.

 As has already been mentioned in the order reproduced above the original application was filed by the complainant on 01.02.2016. Admittedly, Sh. Charandeep Singh, PCS relinquished the charge on 20.06.2016. The application remained pending action with him for more than four months. He was required to provide the information and submit suitable reply within thirty days. There is an unexplained delay of more than ninety days. He has failed to convince this forum that he made any reasonable much less diligent effort to provide the information. Resultantly he cannot be absolved of his culpability under Section 7 (i) warranting punishment as provided under Section 20(1) & (2) of the RTI Act. The penalty thus imposed earlier on Sh. Harjit Singh Sandhu, *Contd…page…5*

 *-5-*

***COMPLAINT CASE NO.775/2016***

District Transport Officer, Ferozepur shifts on Sh. Charandeep Singh and is ordered to be recovered from him. The Deputy Commissioner, Ferozepur is directed to ensure that the above amount is deducted from his salary payable in March and April, 2018 in two equal installments. The direction issued in the forgone part of the order towards recovery be complied scrupulously.

 **Disposed.**

 **Sd/-**

**09.01.2018 (Yashvir Mahajan)**

 **State Information Commissioner**

**CC: The Chief Secretary to Government, Punjab,**

 **Punjab Civil Secretariat – 1, Chandigarh, for n/a.**

**CC: Additional Chief Secretary to Government, Punjab,**

 **Department of Transport, Punjab Civil Sectt. 2,**

 **Sector – 9, Chandigarh.**

**CC: The State Transport Commissioner, Punjab,**

 **Sector – 17, Chandigarh.**

**CC: The Deputy Commissioner, Ferozepur, for n/a.**

**CC: Sh. Charandeep Singh, PCS,**

 **Sub Divisional Magistrate, Guruharsahai, Distt. Ferozepur**

**CC: Sh. Harjit Singh Sandhu, PCS,**

 **District Transport Officer, Ferozepur.**