

PUNJAB STATE INFORMATION COMMISSION

Red Cross Bhawan, Near Rose Garden, Madhya Marg,

Sector: 16, Chandigarh.

Tel. No.0172-2864100-01, Fax No.0172-2864110

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Shri Rajvir Singh S/o Shri Gurtej Singh,
Village: Thaska, Post Office: Bhulan,
Tehsil Moonak, District: Sangrur – 148027.

..... Appellant

Versus

Public Information Officer,
O/o Naib Tehsildar, Khanouri,
District: Sangrur.

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

Public Information Officer,
O/o Commissioner,
Patiala Division, Patiala.

.....Respondents

Appeal Cases No. 578 of 2017

Present: None on behalf of the appellant.

Shri Kewal Singh, Senior Assistant, office of Divisional Commissioner, Patiala and Shri Vivek Nirmohi, PIO-cum-Naib Tehsildar, Khanouri, on behalf of the respondents.

ORDER

In this case, during hearing on 05.09.2018, the appellant informed that the provided information was incomplete. Accordingly, he was directed to furnish deficiencies in the provided information to the PIO, with a copy to the Commission and the PIO is directed to supply complete information to the appellant after removing the deficiencies, which would be furnished in due course of time. The appellant further submitted that he filed his RTI application for seeking information on 17.09.2016 and a period of about 2 years has lapsed but complete information had still not been provided to him. He further submitted that during this long period he had suffered a lot of agony, mentally as well as financially in obtaining the requisite information in this case. He requested that appropriate action might please be taken

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against the erring PIO and he might be suitably compensated. Consequently, after going through the documents placed on record, in exercise of the powers conferred by Section 20(1) of the RTI Act, 2005, a penalty to the tune of Rs. 25,000/- (Rupees Twenty Five Thousand only) was imposed upon Shri Vivek Nirmohi, Niab Tehsildar-cum-PIO, Khanouri to be deducted from his salary for the months of September, 2018 and October, 2018 at the rate of Rs. 12,500/- each and to be deposited in the State Treasury under the following head:-

- 0070-Other Administrative Services
- 60 Other Services
- 800 Other Receipts
- 86 Fee under RTI Act, 2005

Besides, in exercise of the powers conferred by Section 19(8)(b) of the RTI Act, 2005, a compensation of Rs. 5,000/-(Rupees five thousand only) was awarded to Shri Rajvir Singh, Appellant, for the loss and detriment suffered by him during this long period, to be paid by the Public Authority through a Bank Draft, within 30 days and a confirmation to this effect would be furnished to the Commission on the next date of hearing. A copy each of the order was forwarded to Financial Commissioner Revenue, Punjab, Chandigarh and Deputy Commissioner, Sangrur to ensure the compliance of the orders. The case was adjourned to 21.11.2018.

2. On 21.11.2018, the representative of the appellant informed that complete information had not been supplied to the appellant as yet. He further informed that compensation amount of Rs. 5,000/- had also not been paid to the appellant. Accordingly, the appellant was again directed to furnish deficiencies in the provided information to the PIO, with a copy to the Commission and the respondent PIO was directed to supply complete information to the appellant after removing the deficiencies, which would be furnished to him by the appellant in due course of time.

3. None was present on behalf of the respondents without any intimation nor compliance report of the orders of the Commission dated 05.09.2018 had been received so far. However, a letter No. 1049-50/RTI, dated 21.09.2018 was received from PIO-cum-District Revenue Officer, Sangrur vide which Tehsildar, Moonak had been directed to deduct penalty amount of Rs. 12,500/- from the salary of Shri Vivek Nirmohi, Naib Tehsildar Khanouri for September, 2018 and Rs. 12,500/- for October, 2018 and deposit the same in the State Treasury under the relevant head. The District Revenue Officer, Sangrur had also directed Shri Vivek Nirmohi, Naib Tehsildar, Khanouri to pay compensation amount of Rs. 5,000/- to Shri Rajvir Singh, Appellant through a Bank Draft.

4. Since compliance report had not been received as yet, a copy each of order was forwarded to Financial Commissioner Revenue, Punjab, Chandigarh; Deputy Commissioner, Sangrur, District Revenue Officer, Sangrur and Shri Vivek Nirmohi, Naib Tehsildar, Khanouri to ensure the compliance of the orders, before the next date of hearing. The case was adjourned for today.

5. Today, the appellant is not present without any intimation. Shri Kewal Singh, Senior Assistant, office of Commissioner, Patiala Division, Patiala submits a Memo. No. ४४-1/154, dated 08.01.2019 from Commissioner, Patiala Division, Patiala vide which it has been informed that the salary of officials/officers is disbursed to them after their service books are made available online. It has also been informed that since the service book of Shri Vivek Nirmohi, Naib Tehsildar, Khanouri is not traceable, the same has not been made available online due to which his salary has not been disbursed to him since March, 2018 and penalty amount of Rs. 25,000/- could not be deducted. It has been further informed that necessary action is being taken to prepare duplicate service book of the officer. Accordingly, the PIO of the

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office of Commissioner, Patiala Division, Patiala is directed to intimate the Commission, as to when the penalty amount of Rs. 25,000/- will be deducted from the salary of Shri Vivek Nirmohi, Naib Tehsildar, Khanouri.

6. Besides, Shri Vivek Nirmohi, Naib Tehsildar, Khanouri is directed to pay compensation amount of Rs. 5,000/- to the appellant from the Public Authority through Bank Draft. He is also directed to supply complete information to the appellant after removing the deficiencies in the provided information, furnished by him, before the next date of hearing and a compliance report be submitted on the next date of hearing.

7. To come up on **13.02.2019 at 1.00 P.M. for confirmation of compliance of orders.**

**Sd/-
(Avtar Singh Kaler)
S.I.C.**

**Sd/-
(S.S. Channy)
C.I.C.**

Dated : 09.01.2019

**CC: Financial Commissioner Revenue,
Punjab Civil Secretariat-1,
Chandigarh.**

REGISTERED

**Deputy Commissioner,
Sangrur.**

REGISTERED

**District Revenue Officer,
Sangrur.**

REGISTERED

**Shri Vivek Nirmohi,
Naib Tehsildar, Khanouri,
District: Sangrur.**

REGISTERED

CC:- PS/Hon'ble SIC(ASK) for the kind information of Hon'ble SIC (ASK)

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Shri Jaspal Vir Singh,
134, Hardev Nagar,
Kapurthala Road, Jalandhar.

-----Appellant

Vs.

Public Information Officer
O/o Sikh Missionary College(Regd.)
1051/14, Field Ganj, Ludhiana.

First Appellate Authority,
O/o Head/Chairman,
Sikh Missionary College,
1051/14, Field Ganj, Ludhiana.

-----Respondents

Appeal Case No. 374 of 2012

Present:- None on behalf of the appellant.

Shri G. S. Dhillon, Advocate, on behalf of the respondents.

ORDER

In this case, Shri Jaspal Vir Singh, Appellant, vide his RTI application dated 13.11.2011, addressed to the PIO, sought certain information on 15 points in respect of Sikh Missionary College Institution(Society) and Sikh Missionary College(Regd.) Ludhiana.

2. Shri Harbhajan Singh, Principal, Sikh Missionary College, Ludhiana made a written submission inter-alia stating that Sikh Missionary College, Ludhiana, is a registered body under the Societies Registration Act XXI of 1860 as amended by Punjab Amendment Act, 1957 and is not a Government grant-in-aid or aided body and thus is not covered under the Right to Information Act, 2005.

3. This case was heard by Shri R.I. Singh, Chief Information Commissioner,

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Punjab, who vide his order dated 31.12.2012 held that the respondent is a public authority and therefore, it is bound to comply with the provisions of the RTI Act by appointing a PIO. Vide this order, the respondents were directed to furnish the requisite information to the appellant.

4. This order of the Commission was challenged in the Hon'ble Punjab and Haryana High Court by the respondent Institute vide CWP No. 6241 of 2014, which was decided by Shri Rajan Gupta, Judge on 31.12.2017. The Hon'ble Judge set aside the order of the Commission and the matter was remitted to State Information Commission for decision afresh as per law after affording opportunity of hearing to the parties.

5. The matter was allotted to Dr. Pawan Kumar Singla, SIC for adjudication, who during hearing on 22.05.2018 recommended for constitution of a Full Bench to decide the issue. Consequently, a Larger Bench consisting of Dr. S. S. Channy, Ld. Chief Information Commissioner and Dr. Pawan Kumar Singla, Ld. State Information Commissioner, was constituted and a Notice of Hearing was issued to the parties for 11.07.2018.

6. On 11.07.2018, the appellant was not present. However, a letter dated 11.07.2018 was received from him through e-mail informing that he was unable to attend hearing due to some emergency. Ld. Counsel for the respondents referred to the judgement of Hon'ble Supreme Court of India passed in the case titled Thalappalam Service Cooperative Bank Ltd. and others versus State of Kerala and others in Civil Appeal 9017 of 2013 arising out of SLP© No. 24290 of 12, contending

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that the respondent Institute could not be said to be a public authority under the Right to Information Act, 2005. As the onus, to prove that the said Institute is a Public Authority, lied on the appellant, he was directed to submit documentary evidence to vindicate his stand, on the next date of hearing. The case was adjourned to 19.09.2018, which was further postponed to 21.11.2018 due to certain administrative reasons.

7. On 21.11.2018, Dr. Pawan Kumar Singla, Hon'ble SIC, a member of the Larger Bench was on leave. Therefore, it was not possible to hear this case due to incomplete quorum. The case was adjourned for today.

8. Today, the appellant is not present. However, a letter dated 09.01.2019 has been received from him through e-mail informing that he is unable to attend hearing due to death of his close relative. He has requested to adjourn the case to some other date.

9. As the onus lies on the appellant to prove that the said institute is a Public Authority under the RTI Act, one last opportunity is afforded to him to submit documentary evidence to vindicate his stand, failing which case will be decided on merit on the basis of documents placed on record.

10. To come up on **13.02.2019 at 1.00 P.M. for further proceedings.**

**Sd/-
(Pawan Kumar Singla)
S.I.C.**

**Sd/-
(S.S. Channy)
C.I.C.**

Dated : 09. 01. 2019

CC: PS/Hon'ble SIC(PKS) for the kind information of Hon'ble SIC (PKS)

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Shri Yogesh Aggarwal,
Gali Vaid Tirath Ram,
Opposite Civil Hospital, MOGA.

-----Appellant

Vs.

Public Information Officer
O/o Secretary, District Bar Association,
Moga.

First Appellate Authority,
O/o President, District Bar Association,
Moga.

-----Respondents

Appeal Cases No. 2055 and 2121 of 2017

Present:- None on behalf of the appellant as well as the respondents.

ORDER

As the appellant and the respondents are the same and nature of information sought, by and large, is identical, these appeals have been clubbed to be decided by a single order.

2. The relevant facts succinctly are mentioned hereunder.

Shri Yogesh Aggarwal, filed RTI applications to seek certain information from Secretary, District Bar Association, Moga and on receiving no information filed first appeals with President, District Bar Association, Moga and subsequently approached the Commission in Second Appeal. The cases were allotted to Dr. Pawan Kumar Singla, SIC for adjudication, which were last heard on 23.05.2018 when during hearing it was recommended to constitute a Full Bench/Larger Bench to decide an important issue involved in these cases. Consequently, a Larger Bench consisting of Dr. S.S. Channy, Ld. Chief Information Commissioner and Dr. Pawan Kumar Singla, Ld. State

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Information Commissioner was constituted and a Notice of Hearing was sent to the concerned parties for 11.07.2018.

3. On 11.07.2018, none was present on behalf of the respondents. The appellant submitted that Bar Council of India, New Delhi is a Public Authority under the RTI Act, 2005 and Central Information Commission has declared Bar Council of Delhi also as a Public Authority under the Act *ibid*. He requested that District Bar Association, Moga might also be declared as a Public Authority under the RTI Act, 2005 and they might be directed to appoint PIO and First Appellate Authority and also might be directed to supply the information asked for by him to him. Consequently, after hearing the appellant and discussing the matter at length, the appellant was advised to approach Bar Council of India, New Delhi or Central Information Commission, New Delhi to get District Bar Association, Moga declared as a Public Authority under the RTI Act or in the alternative he was advised to submit necessary documents for declaring District Bar Association, Moga as a Public Authority as per the guidelines laid down in the judgement of Hon'ble Supreme Court of India passed in the case titled *Thalappalam Service Cooperative Bank Ltd. and others versus State of Kerala and others* in Civil Appeal 9017 of 2013 arising out of SLP© No. 24290 of 12. The case was adjourned to 19.09.2018 for further proceedings, which was further postponed to 21.11.2018 due to certain administrative reasons.

4. On 21.11.2018, none was present on behalf of the appellant as well as the respondents. More-over, Dr. Pawan Kumar Singla, Hon'ble SIC, a member of the

Larger Bench was on leave. Therefore, it was not possible to hear these cases due to incomplete quorum . Accordingly, the cases were adjourned for today.

5. Today, none is present on behalf of the appellant as well as the respondents without any intimation during second consecutive hearing nor the appellant has submitted any documentary evidence for declaring District Bar Association, Moga as a Public Authority as per the guidelines laid down in the judgement of Hon'ble Supreme Court of India passed in the case titled Thalappalam Service Cooperative Bank Ltd. and others versus State of Kerala and others in Civil Appeal 9017 of 2013 arising out of SLP© No. 24290 of 12.

6. The onus lies on the appellant to prove that District Bar Association, Moga is a Public Authority under the RTI Act as per the said judgement of Hon'ble Supreme Court of India and he has failed to submit any documentary evidence to vindicate his stand. Rather, he has chosen not to attend two consecutive hearings without any intimation. It shows that he does not want to pursue the matter any further;

7. Therefore, the case is **disposed of and closed**.

**Sd/-
(Pawan Kumar Singla)
S.I.C.**

**Sd/-
(S.S. Channy)
C.I.C.**

Dated : 09. 01. 2019

CC: PS/Hon'ble SIC(PKS) for the kind information of Hon'ble SIC (PKS)