

PUNJAB STATE INFORMATION COMMISSION
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Shri Darshan Singh Kang, (M: 94643-63290),
(Anti Corruption Wing),
Samrala, Distt. Ludhiana-141114.

..... Appellant

Vs

Public Information Officer,
O/o Civil Judge (Junior Division),
Samrala, Ludhiana.

First Appellate Authority,
O/o Civil Judge (Junior Division),
Samrala, Ludhiana.

.....Respondent

Appeal Case No. 860 of 2019

Present:- Shri Darshan Singh Kang, appellant is absent.
Shri Rajinder Singh, PIO-cum-Reader to Civil Judge (Jun. Div.), Samrala,
O/o Civil Judge (Junior Division), Samrala, Ludhiana is present.

O R D E R

Shri Darshan Singh Kang, appellant filed RTI application dated 17.12.2018 and sought some information from the office of the PIO.

Shri Rajinder Singh, PIO-cum-Reader has come present today and he submitted a request on behalf of Ms. Riffi Bhatti, Civil Judge (Jr. Div.), Samrala as the First Appellate Authority and also submitted a reply on behalf of the First Appellate Authority as well as reply to the appeal filed by the appellant.

I have gone through the reply submitted by the PIO. It is submitted in the reply that all the attested/certified/uncertified copies in the all pending/decided cases are supplied by the Copying Agency of Addl. Civil Judge (Sr. Division), on applying on Performa and on payment of requisite fee. In case attested/unattested copy of any such documents is required by the appellant, then he can apply for the same with the Copying Agency of Addl. Civil Judge (Sr. Division), Samrala.

The appellant is absent today. I have gone through the RTI application dated 17.12.2018. The appellant sought attested copies of some information as described in the RTI application. The PIO has not provided any information to the appellant as was sought by him. The information was denied that the appellant may apply on prescribed Performa to the Copying Agency for getting the certified copies of documents which he sought through his RTI application.

Contd..p2..

I have gone through the Judgement made in Civil Writ Petition No.12016 of 2016 decided on 05.10.2018 by the Hon'ble Justice Augustine George Masih of Hon'ble Punjab & Haryana High Court, Chandigarh. It is decided in this Writ Petition that :-

“ In case of any inconsistency between the provisions of RTI Act and other Act/law, the RTI Act shall prevail.

In case of an application preferred under the RTI Act where alternative procedure and conditions are prescribed under any other statute/law, the said application cannot be rejected and/or information denied on this ground. Such application shall be dealt with under the provisions of the RTI Act.”

It is opined in this Order that the information under the RTI Act can only be denied if the same is exempted from disclosure of information under the provisions of the RTI Act itself such as Sections 8, 9 and 11.

So, as per the Judgement passed by the Hon'ble Punjab & Haryana High Court in Civil Writ Petition No.12016 of 2016 dated 05.10.2018, the PIO is directed that attested copies of sought for information, specifically para-wise be sent to the appellant through registered post within a week and the PIO should personally come present on the next date of hearing along with copy of information and copy of postal receipt.

Both the parties to come present on the next date of hearing on **29.10.2019 at 11:00 A.M.**

Dated: 09.10.2019

(Avtar Singh Kaler)
State Information Commissioner, Punjab.

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Shri Yogesh Mahajan, (M: 98143-54649),
S/o Shri Kuldeep Rai Mahajan,
President of Anti Corruption Council,
Opposite Water Tank, Municipal Market,
Mission Road, Pathankot.

..... Appellant

Vs

Public Information Officer,
O/o XEN, Provincial Division,
PWD (B&R), Bathinda.

First Appellate Authority,
O/o SE, PWD (B&R),
Construction Circle, Bathinda.

.....Respondent

Appeal Case No. 2488 of 2019

Present:- Shri Yogesh Mahajan, appellant is absent.
None present on behalf of the PIO, O/o XEN, Provincial Div. PWD B&R,
Bathinda.

O R D E R

Shri Yogesh Mahajan, appellant filed RTI application dated 06.01.2019 and sought some information from the PIO, O/o XEN, Provincial Division, PWD (B&R), Bathinda.

The appellant though is absent however, he has sent an e-mail that no information has been provided to him by the PIO till date.

Today no one has come present on behalf of the PIO, neither any intimation has been received from the PIO.

So, the PIO is directed that attested copies of information, specifically para-wise, be sent to the appellant through registered post within 10 days and come present personally on the next date of hearing along with copy of information and copy of postal receipt. In case of non compliance of the Order of the Commission strict action will be taken against the PIO under the provisions of the RTI Act, 2005 and a Show Cause Notice will be issued to him.

Both the parties to come present on the next date of hearing on **29.10.2019 at 11:00 A.M.**

Dated: 09.10.2019

(Avtar Singh Kaler)
State Information Commissioner, Punjab.

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Shri Yogesh Mahajan, (M: 98143-54649),
S/o Shri Kuldeep Rai Mahajan,
President of Anti Corruption Council,
Opposite Water Tank, Municipal Market,
Mission Road, Pathankot.

..... Appellant

Vs

Public Information Officer,
O/o XEN, Centre Works Division,
PWD (B&R), Hoshiarpur.

First Appellate Authority,
O/o SE, Centre Works Circle,
PWD (B&R), Amritsar.

.....Respondent

Appeal Case No. 2486 of 2019

Present:- Shri Yogesh Mahajan, appellant is absent.
Shri Kulwinder Singh, Clerk is present on behalf of Shri Rajinder Kumar, PIO-
cum-XEN, Centre Works Division, PWD(B&R), Hoshiarpur.

O R D E R

Shri Yogesh Mahajan, appellant though is absent, but he sent an e-mail that no information has been provided to him by the PIO.

Shri Kulwinder Singh is present on behalf of the PIO and he submitted an Authority Letter on behalf of the PIO. He has also submitted a copy of letter no.713 dated 07.10.2019 and a photocopy of postal receipt dated 07.10.2019 vide which the information was sent to the appellant through registered post. All the papers are taken in the file of the Commission.

I have gone through the RTI application and also gone through the information which was sent to the appellant by the PIO through letter dated 07.10.2019. The information related with point nos.1 to 7 and 10 of the RTI application consisting of 38 pages has been sent to the appellant and it is replied by the PIO that the information related with point nos. 8, 9 and 11 to 15 of the RTI application is not according to the record of the office of the PIO. The information which was available in the office of the PIO had already been sent to the appellant.

The PIO has sent the information to the appellant, which was available in his office and resolved the matter involved in the RTI application, so the present appeal case is **disposed of and closed.**

Dated: 09.10.2019

(Avtar Singh Kaler)
State Information Commissioner, Punjab.

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Shri Madan Lal, S/o Shri Fakir Chand,
New Chandan Nagar,
Kapurthala Road, Kartarpur,
Distt. Jalandhar.

..... .. Complainant

Vs

Public Information Officer,
O/o Managing Director,
Punjab State Seed Corporation Ltd.,
SCO 835-36, Sector 22-A,
Chandigarh.

.....Respondent

Complaint Case No. 455 of 2019

Present:- Shri Madan Lal, complainant/applicant is absent.
Shri Paramjit Singh, PIO-cum-Regional Manager, O/o M.D. Punjab State Seed Corporation Ltd., Chandigarh is present.

O R D E R

Shri Madan Lal, complainant/applicant is absent today. He was absent on 08.07.2019, 30.07.2019, 29.08.2019, 18.09.2019 and today is his 5th absence.

The complainant/applicant though is absent today, however he has sent a mail regarding the information. I have gone through the mail.

I have gone through the Order dated 18.09.2019 and the complainant/applicant was directed to visit the office of the PIO on any working day within 15 days vide Order dated 29.08.2019. But as stated by the PIO the complainant/applicant has not visited the office of the PIO. Then another opportunity was granted to the complainant/applicant to visit the office of the PIO within 8 days vide Order dated 18.09.2019 and it was further directed that the complainant/applicant should personally come present on the next date of hearing otherwise the case will be heard and decided in his absence on the basis of reply submitted by the PIO.

Inspite of all this the complainant/applicant is again absent for today, whereas Shri Paramjit Singh, PIO-cum-Regional Manager has come present and he submitted a copy of letter no. 1181 dated 04.10.2019 and a copy of letter no.1079-80 dated 17.09.2019. Both the letter are taken in the file of the Commission.

I have gone through letter dated 04.10.2019 and it is submitted by the PIO that in compliance to the Order passed by the Commission the complainant/applicant has not come present in the office of the PIO for inspecting the relevant record involved in the complaint case, it means that the complainant/applicant has not complied with the Order of the Commission.

Complaint Case No. 455 of 2019

On the other hand the PIO had already sent the information to the complainant/applicant vide letter no.635-36 dated 19.07.2019, but the complainant/applicant being dissatisfied brought some deficiencies to the notice of the PIO and through letter dated 17.09.2019 the PIO has replied to the deficiencies. It is replied by the PIO that all the points raised by the complainant/applicant are not likely to be sought for information rather these are queries, which cannot be answered under the provisions of the RTI Act, 2005.

The complainant/applicant has never come present on any date of hearing, whereas the respondents are coming present on every date of hearing. The PIO has sent the information/reply to the complainant/applicant as submitted above, so the present complaint case is **disposed of and closed**.

Dated: 09.10.2019

**(Avtar Singh Kaler)
State Information Commissioner, Punjab.**

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Shri Jasbir Singh (M: 98882-96107),
Village Bholapur, Jhabewal,
Post Office Ramgarh,
Ludhiana.

..... Appellant

Vs

Public Information Officer,
O/o SDM, Phagwara,
Distt. Kapurthala.

First Appellate Authority,
O/o SDM, Phagwara,
Distt. Kapurthala.

.....Respondent

Appeal Case No. 2475 of 2019

Present:- Shri Jasbir Singh, appellant is absent.
None present on behalf of the PIO, O/o SDM, Phagwara, Distt. Kapurthala.

O R D E R

Shri Jasbir Singh, appellant filed RTI application dated 09.04.2019 and sought some information from the PIO, O/o SDM, Phagwara, Distt. Kapurthala.

Both the parties are absent today.

The Commission has received an e-mail sent by the PIO, which is a copy of letter no.154 dated 08.10.2019 along with a duly signed receipt executed by Shri Tejinder Singh, brother of the appellant and copies of information are also annexed with the letter.

I have gone through letter dated 08.10.2019 sent by the PIO and it is submitted in the letter that the appellant after making inspection of the record on 26.04.2019 executed a receipt that he has received the information. I have also gone through the receipt dated 26.04.2019 duly signed by Shri Tejinder Singh, brother of the appellant that he has received the information on behalf of his brother, Shri Jasbir Singh.

As the PIO has resolved the matter involved in the RTI application and provided the sought for information to the appellant, so the present appeal case is **disposed of and closed.**

Dated: 09.10.2019

(Avtar Singh Kaler)
State Information Commissioner, Punjab.

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Shri Balu Ram (J.E. Retd.), (M: 94171-56825),
VPO Nihal Khera,
Tehsil & Distt. Fazilka.

...Appellant

Versus

Public Information Officer,
O/o Divisional Engineer,
PWRMDC Ltd., Punjab, SCO 28-29,
Sector 26, Chandigarh.

First Appellate Authority,
O/o Superintendent Engineer,
PWRMDC Ltd., Punjab,
Sector 26, Chandigarh.

...Respondent

Appeal Case No. 717 of 2019

Present:- Shri Balu Ram, appellant is present.
Er. Jagdish Kumar Arya, PIO-cum- Divisional Engineer (Estt.), PWRMDC Ltd.,
Chandigarh is present.

O R D E R

I have gone through the RTI application dated 22.10.2018 and also gone through the Order dated 19.09.2019.

Shri Jagdish Kumar Arya, PIO-cum-Divisional Engineer is present today and he stated that he has provided the complete information to the appellant and also paid the compensation of Rs.4,000/- through Demand Draft dated 03.10.2019 from the official account of the public authority.

Shri Balu Ram, appellant stated that he has received the complete information and he is satisfied and also requested to disposed of his appeal case. He has submitted a duly signed written submission dated 09.10.2019 that he has received the information and he is satisfied. The said written submission is taken in the file of the Commission. As complete information has been provided to the appellant by the PIO and the appellant is satisfied, so the present appeal case is disposed of and closed.

A Show Cause Notice was issued to Shri Jagdish Kumar Arya, PIO-cum-Divisional Engineer on the last date of hearing i.e. 19.09.2019 and asked the PIO that why you have not provided the sought for information to the appellant within the stipulated period and so why you may not be penalized under the provisions of the RTI Act, 2005.

Contd..p2..

Appeal Case No. 717 of 2019

Shri Jagdish Kumar Arya, PIO today filed reply to the Show Cause Notice through duly attested affidavit dated 07.10.2019, which is taken in the file of the Commission. I have gone through the contents of the affidavit and it is submitted by the PIO in para no.2 of the affidavit that the appellant filed RTI application dated 22.10.2019 and he was asked to deposit the requisite fee, but he has not deposited the same, that is why the information was delayed. It is further submitted that the information was sent to the appellant vide letter no.2854-56 dated 10.04.2019 and secondly vide letter no.4090-93 dated 28.05.2019. It is further submitted by the PIO that the appellant was asked to attend the office of the PIO on any working day if he wants to collect any other information, but he did not turn up.

An opportunity of personal hearing is afforded to the PIO on the Show Cause Notice. After going through the reply of the PIO and after hearing the PIO, I am of the view that the PIO has provided the sought for information to the appellant a little late, but that was delayed due to non-deposit of assessed fee by the appellant. Moreover the appellant is satisfied with the information and requested to disposed of his appeal case. So, the Show Cause Notice issued to the PIO is hereby dropped and filed with a direction to the PIO that in future he should be vigilant towards his duties. The PIO further assured the Commission that he will remain vigilant towards his duties and provide the information to the information seekers within the stipulated period.

As the information has been provided to the appellant by the PIO and the appellant is satisfied, so the present appeal case is **disposed of and closed**.

Dated: 09.10.2019

**(Avtar Singh Kaler)
State Information Commissioner, Punjab**

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Shri Manjit Singh, (M: 76962-82813),
S/o Shri Sohan Singh,
H.No. 388/3, Bahera Road,
Patiala,.

..... Appellant

Vs

Public Information Officer,
O/o The Manager,
National Information Centre,
Software Company,
Pb. Civil Secretariat-1,
Chandigarh.

First Appellate Authority,
O/o The Principal Secretary
to Government of Punjab,
Department of Transport,
Pb. Civil Secretariat-1, Chandigarh.

.....Respondent

Appeal Case No. 3324 of 2018

Present:- Shri Manjit Singh, appellant is absent.
Shri Arvind Kumar, PIO-cum-Secretary, Regional Transport Authority, Patiala is absent.

O R D E R

Shri Manjit Singh, appellant filed RTI application dated 09.07.2018 and sought some information from the office of the PIO.

The appellant though is absent, but he has sent a mail to the Commission, which was received on 04.10.2019 and diarized vide no.19270. It is submitted by the appellant that he is unable to appear before the Commission for today at the time of hearing due to his appearance before the Civil Courts, Patiala and requested for adjournment.

I have gone through the Order dated 19.09.2019 passed by the Bench and on that date Shri Arvind Kumar, PIO was present and he filed reply to the appeal, but the reply was not specific and the PIO sought some time to file additional reply to the appeal filed by the appellant. His request was heard and allowed with a direction to him that he should file reply to the appeal filed by the appellant on the next date of hearing by mentioning that under which section of the RTI Act, 2005 he is seeking exemption from providing the information to the appellant.

Contd..p2..

Appeal Case No. 3324 of 2018

But today the PIO has not come present, neither he has sent any mail regarding his absence. So, a last and final opportunity is granted to the PIO to file reply to the appeal filed by the appellant on the next date of hearing or supply the information to the appellant as was sought by him through his RTI applicatoin. In case of non compliance of the Order of the Commission, a Show Cause Notice will be issued to the PIO on the next date of hearing.

Both the parties to come present on the next date of hearing on **29.10.2019 at 11:00 A.M.**

Dated: 09.10.2019

**(Avtar Singh Kaler)
State Information Commissioner, Punjab.**

CC: Secretary, Regional Transport Authority, Patiala.

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Shri Ram Krishan, (M: 98150-92472),
S/o Shri Dass Mal,
H.No.68, Ward No.3,
Marwahiyani Wali Street,
Majitha, Tehsil Majitha,
Distt. Amritsar.

..... Complainant

Vs

Public Information Officer,
O/o Sub Divisional Magistrate,
Ajnala, Distt. Amritsar.

.....Respondent

Complaint Case No. 116 of 2019

Present:- Shri Ram Krishan, complainant/applicant is absent.
Shri Dhayan Chand, Clerk is present on behalf of Shri Harphool Singh, PIO-cum-
Tehsildar, O/o SDM, Ajnala, Distt, Amritsar.

O R D E R

Shri Ram Krishan, complainant/applicant filed RTI application on 18.08.2018 and sought some information from the office of the PIO.

The respondent who is present on behalf of the PIO stated that he has come present along with attested copies of information as was sought by the complainant/applicant.

As the complainant/applicant is absent today, so the PIO is directed that attested copies of sought for information be sent to the complainant/applicant through registered post within 3 days.

The PIO, Shri Harphool Singh should personally come present on the next date of hearing and file reply to the complaint filed by the complainant/applicant and also file reply to the Show Cause Notice issued to him that why you have not provided the information to the complainant/applicant within the stipulated period and so why you may not be penalized under the provisions of the RTI Act, 2005. In case of non compliance of the Order of the Commission strict action will be taken against the PIO under the provisions of the RTI Act, 2005.

Both the parties to come personally present on the next date of hearing on **29.10.2019 at 11:00 A.M.**

Dated: 09.10.2019

(Avtar Singh Kaler)
State Information Commissioner, Punjab.

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Shri Johny Singla, (M: 94789-85098),
267, Street No.4, Green Avenue,
Bibi Wala Road,
Bathinda-151001.

..... Appellant

Vs

Public Information Officer,
O/o Shaheed Gurinder Singh Govt.
Sr. Sec. School Bassian,
Village Bassian, Tehsil Raikot,
Ludhiana-142032.

First Appellate Authority,
O/o District Education Officer (SE),
2nd Floor, Mini Secretariat,
Near Bharat Nagar Chowk,
Ludhiana.

.....Respondent

Appeal Case No. 2957 of 2018

Present:- Shri Johny Singla, appellant is absent.
Smt. Paramjit Kaur, S.S. Mistress is present on behalf of Shri Gurbinderjit
Singh, (M: 98732-32480) PIO-cum-Principal, O/o Shaheed Gurinder Singh Govt.
Sr. Sec. School, Bassian, Tehsil Raikot, Ludhiana.

O R D E R

Shri Johny Singla, appellant filed RTI application dated 12.06.2018 and sought some information from the PIO, O/o Principal, Shaheed Gurinder Singh Govt. Sr. Se. School, Bassian, Distt. Raikot, Distt.Ludhiana.

I have gone through the RTI application dated 12.06.2018 and also gone through the Order dated 19.09.2019.

Smt. Paramjit Kaur, who is present on behalf of the PIO, stated that the PIO has provided the complete information to the appellant by hand on 07.10.2019.

Shri Johny Singla, appellant though is absent, but he has sent an e-mail, which is in the file of the Commission. It is submitted in the e-mail by the appellant that he has received the demanded information from the concerned PIO and he is satisfied with the information.

As the sought for information has been provided to the appellant by the PIO and the appellant is satisfied with the information as per his e-mail sent to the Commission, so the present appeal case is **disposed of and closed**.

Dated: 09.10.2019

(Avtar Singh Kaler)
State Information Commissioner, Punjab.

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Shri Johny Singla, (M: 94789-85098),
267, Street No.4, Green Avenue,
Bibi Wala Road,
Bathinda-151001.

..... Appellant

Vs

Public Information Officer,
O/o Shaheed Gurinder Singh Govt.
Sr. Sec. School Bassian,
Village Bassian, Tehsil Raikot,
Ludhiana-142032.

First Appellate Authority,
O/o District Education Officer (SE),
2nd Floor, Mini Secretariat,
Near Bharat Nagar Chowk,
Ludhiana.

.....Respondent

Appeal Case No. 2966 of 2018

Present:- Shri Johny Singla, appellant is absent.
Smt. Paramjit Kaur, S.S. Mistress is present on behalf of Shri Gurvinderjit
Singh, (M: 98732-32480) PIO-cum-Principal, O/o Shaheed Gurinder Singh Govt.
Sr. Sec. School, Bassian, Tehsil Raikot, Ludhiana.

O R D E R

Shri Johny Singla, appellant filed RTI application dated 12.06.2018 and sought some information from the PIO, O/o Principal, Shaheed Gurinder Singh Govt. Sr. Se. School, Bassian, Distt. Raikot, Distt.Ludhiana.

I have gone through the RTI application dated 12.06.2018 and also gone through the Order dated 19.09.2019.

Smt. Paramjit Kaur, who is present on behalf of the PIO, stated that the PIO has provided the complete information to the appellant by hand on 07.10.2019.

Shri Johny Singla, appellant though is absent, but he has sent an e-mail, which is in the file of the Commission. It is submitted in the e-mail by the appellant that he has received the demanded information from the concerned PIO and he is satisfied with the information.

As the sought for information has been provided to the appellant by the PIO and the appellant is satisfied with the information as per his e-mail sent to the Commission, so the present appeal case is **disposed of and closed.**

Dated: 09.10.2019

(Avtar Singh Kaler)
State Information Commissioner, Punjab.

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Shri Sanjeev Kumar Sharma, (M: 81465-54350),
20A, Street No.4, Dashmesh Nagar A,
Trijadi, Patiala.

..... Appellant

Vs

Public Information Officer
O/o Principal,
Govt. Sr. Sec. School,
Lang, Distt. Patiala.

First Appellate Authority,
O/o District Education Officer (SE),
Patiala.

.....Respondent

Appeal Case No. 63 of 2019

Present:- Shri Sanjeev Kumar Sharma, appellant is present.
Smt. Inderjeet Kaur, Principal, GSSS, Lang, Distt. Patiala is present.

O R D E R

I have gone through the Order dated 19.09.2019. The appellant was not satisfied with the information provided to him related to para nos. 2, 4 and 6 of the RTI application and he was directed to visit the office of the PIO on 23.09.2019 during working hours and the PIO was directed that she should hear the appellant regarding para nos. 2, 4 and 6 of the RTI application and provide the remaining information to him.

In compliance to the Order dated 19.09.2019 passed by the Commission, the appellant visited the office of the PIO on 23.09.2019 and the remaining information was provided to the appellant by the PIO.

I have heard the appellant and the PIO. The appellant stated that he is not satisfied with the information which was provided to him. On the other hand the PIO stated that she has provided the information which was available in her office. At the time of hearing the PIO stated that the document which was available had already been provided to the appellant and no other document is available in the office of the PIO regarding the information sought by the appellant and she made a noting on letter dated 23.09.2019, which was provided to the appellant on 23.09.2019 as well as on the copy of letter which is today submitted before the Bench.

So, after hearing both the parties the PIO submitted that the information which was available in her office had already been provided to the appellant and except that no other document is available in her office and the appellant is also satisfied with this version of the PIO. So, the present appeal case is **disposed of and closed**.

(Avtar Singh Kaler)

State Information Commissioner, Punjab.

Dated: 09.10.2019