

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
Ph: 0172-2864114, Email: - psicsic30@punjabmail.gov.in
Visit us: - www.infocommpunjab.com



Sh.Tarsem Chand Shastri,
H No-141/S, Jawahar Market,
Nangal, DisttRopar.

... Appellant

Versus

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

...Respondent

Complaint Case No. 521 of 2020

PRESENT: None for the Complainant
Sh.Malkiat Singh, Sr Assistant for the Respondent

ORDER:

The complainant through RTI application dated 25.10.2018 has sought information regarding action taken report on the letter No.24738 dt.05.07.2018 forwarded by vigilance bureau Pb on complaint no.40/18 against Sumedha ETT Block Anandpur Sahib and other information as enumerated in the RTI application concerning the office of Principal Secretary Education , Punjab. The office of Principal Secretary transferred the RTI application to the office of Director Education on 12.11.2018 which further transferred it to DEO(EE) Ropar. The complainant was not provided the information after the appellant filed a complaint in the Commission on 10.08.2020.

The case has come up for hearing today through video conferencing at DAC Mohali. The respondent present pleaded that the enquiry in the case was conducted at the level of BPEO Nangal and enquiry report was provided to the complainant on 12.07.2016. The Commission has also received a reply from the PIO which has been taken on the file of the Commission.

A copy of the information received from the PIO is being sent to the complainant alongwith the order. The complainant is directed to point out the discrepancies if any to the PIO, with a copy to the Commission. The PIO is directed to remove the discrepancies.

To come up for further hearing on **17.05.2021 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Mohali.

Chandigarh
Dated:10.02.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh. Nitin Kumar Garg,
C/o Police Public Dairy,
Sector-15-A, Shastri Nagar,
Model Town, Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o XEN,
Water supply and Sanitation,
Division-3, SAS Nagar, Mohali.

First Appellate Authority,
O/o SE,
Water Supply and Sanitation Circle,
Sector-34-A, SCO-158-160,
Chandigarh.

...Respondent

Appeal Case No. 2477 of 2020

PRESENT: Sh.Nitin Kumar as the Appellant
None for the Respondent

ORDER:

The appellant through RTI application dated 28.02.2020 has sought information regarding copy of sanction letter/like sport quotation issued for work of CSR to all SDE in the division from 01.04.2019 to 28.02.2019 from the Xen Water Supply & Sanitation Division. No.3, Mohali. The appellant was not satisfied with the reply of the PIO dated 26.03.2020 vide which the appellant was asked to deposit requisite fee of Rs.56824/- after the appellant filed first appeal before the first appellate authority on 12.05.2020 which took no decision on the appeal.

The case has come up for hearing today through video conferencing at DAC Mohali. The appellant claims that the PIO has not provided the information.

The respondent is absent. Having gone through the file, the Commission observes that the PIO had raised a fee of Rs.56824/- which the appellant did not deposit, and preferred to file an appeal in the Commission.

Since the information sought seems staggering given the fee that the PIO has raised, in the interest of the appellant, I advise him to inspect the record by fixing a mutually convenient date and time with the PIO. The appellant, if interested in obtaining the information can identify documents that he wishes to obtain and get them by paying requisite fee under the RTI Act. The PIO is ordered to allow inspection of the record and provide the relevant information to the appellant. The order is valid till the next date of hearing.

To come up for further hearing on **17.05.2021 at 11.00 AM** through a video conference facility available in the office of Deputy Commissioner, Mohali.

Chandigarh
Dated:10.02.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh. Nitin Kumar Garg,
C/o Police Public Dairy,
Sector-15-A, Shastri Nagar,
Model Town, Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o XEN,
Water supply and Sanitation,
Division-1, Roopnagar,
Anandpur Sahib,

First Appellate Authority,
O/o SE,
Water Supply and Sanitation Circle,
Sector-34-A, SCO-158-160,
Chandigarh.

...Respondent

Appeal Case No. 2429 of 2020

PRESENT: Sh.Nitin Kumar Garg as the appellant
Sh.Avi Tuteja, SDE for the Respondent

ORDER:

The appellant through RTI application dated 30.01.2020 has sought information regarding copy of sanction letter/like sport quotation issued for work of CSR to all SDE in the division from 01.01.2019 to 31.01.2020 from the Xen Water Supply & Sanitation Division. No.1, Rupnagar Anandpur Sahib. The appellant was not provided the information after the appellant filed first appeal before the first appellate authority on 01.06.2020 which took no decision on the appeal.

The case has come up for hearing today through video conferencing at DAC Mohali. The appellant claims that despite depositing requisite fee of Rs.800/- as asked for by the PIO, the information has not been provided.

The respondent has brought the information. The PIO is directed to send information to the appellant through a registered post within a week.

To come up for compliance on **17.05.2021 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Mohali.

Chandigarh
Dated:10.02.2021

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh.Sandeep Kumar Gupta,
H NO-1722, Sector-14,
Hisar.

...Appellant

Versus

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

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

Respondent

Appeal Case No. 1018 of 2020

PRESENT: **None for the Appellant**
Sh.Vikas Kumar, Sr. Assistant O/o Municipal Service Cell of Local
Govt.Pb for the Respondent

ORDER: The appellant through RTI application dated 28.10.2019 has sought information regarding reply received from employees in response to the notices issued vide letter No.S3/DSS-MSS-2018/73244-253 and letter No.S3/DSS-MSS-2018/73255-262 Dated 26.12.2018 and action taken subsequent to receipt of reply and other information concerning the office of Department of Local Govt. Punjab Chandigarh. The appellant was not provided the information after which the appellant filed first appeal before the first appellate authority on 01.12.2019 which took no decision on the appeal. After filing first appeal, the PIO vide letter dated 27.12.2019 denied the information.

On the date of first hearing on 06.10.2020, the respondent present pleaded that since the case is pending in the court, the information cannot be provided. The Commission also received an email from the PIO stating that the information is 3rd party and is exempt u/s 8(1)(j) of the RTI Act.

The Commission was not satisfied with the reply of the PIO since the PIO while applying exemption provisions from Section 8 had not given any reasons why this exemption has been sought. The PIO was directed to submit a detailed reply that how the information is 3rd party and why it cannot be provided, and whether the rules as prescribed in Section 11 regarding third party information were applied before denying the information.

On the date of last hearing on 09.12.2020, the respondent did not bring any reply as per earlier order of the Commission. The appellant was absent. The case was adjourned.

Hearing dated 10.02.2021:

The case has come up for hearing today through video conferencing at DAC Mohali. The respondent has submitted a reply which has been taken on the file of the Commission. In the reply, the PIO has stated that since the matter is pending in the High Court, the information cannot be provided.

The appellant is absent.

The case is adjourned. To come up for further hearing on **17.05.2021 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Mohali

Chandigarh
Dated:10.02.2021

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh.Sandeep Kumar
Gupta, H NO-1722,
Sector-14,
Hisar.

...Appellant

Versus

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

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

Respondent

Appeal Case No. 1025 of 2020

PRESENT: None for the Appellant
Sh.Vikas Kumar, Sr. Assistant O/o Municipal Service Cell of Local
Govt.Pb for the Respondent

ORDER:

The appellant through RTI application dated 28.10.2019 has sought information regarding action taken on the directions of the High Court in CWP 1640 of 2008 and Supreme Court in CA No.17902-17905/2017 – names of the persons having diploma/degrees suspended by the directions of the high court and supreme court – action taken against the person found to be having diploma/degrees declared suspended by the courts and other information concerning the office of Department of Local Govt. Punjab Chandigarh. The appellant was not provided the information after which the appellant filed first appeal before the first appellate authority on 04.12.2019 which took no decision on the appeal. After filing first appeal, the PIO vide letter dated 27.12.2019 denied the information.

On the date of first hearing on 06.10.2020, the respondent present pleaded that since the case is pending in the court, the information cannot be provided.

Having gone through the record, the Commission observed that the PIO in his reply dated 27.12.2019 had denied the information stating that the information is 3rd party.

The Commission was not satisfied with the reply of the PIO since the PIO had not applied his mind and has denied the information without giving any reasons. The PIO was directed to relook at the RTI application and provide the information to the appellant as per the RTI application and send a compliance report to the Commission.

On the date of last hearing on 09.12.2020, the respondent present has submitted a copy of reply being sent to the appellant which was taken on the file of the Commission.

The appellant was absent. A copy of the reply was sent to the appellant alongwith the order. The appellant was directed to point out the discrepancies in writing to the PIO with a copy to the Commission, otherwise the case will be decided ex-parte.

Appeal Case No. 1025 of 2020

Hearing dated 10.02.2021:

The case has come up for hearing today through video conferencing at DAC Mohali. The respondent has submitted a reply which has been taken on the file of the Commission. In the reply, the PIO has stated that since the matter is pending in the High Court, the information cannot be provided.

The appellant is absent.

The case is adjourned. To come up for further hearing on **17.05.2021 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Mohali

Chandigarh
Dated:10.02.2021

Sd/-
(Khushwant Singh)
State Information Commission

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Sh. Arvinder Singh Bedi,
HNo-593, Phas3B-1, Mohali.

...Appellant

Vs

Public Information Officer,
O/o PUDA,
Mohali.

First Appellate Authority
O/o PUDA,
Mohali.

...Respondent

Appeal Case .No. 4253 of 2019

PRESENT: Sh.Ajit Pal Singh Advocate for the Appellant
None for the Respondent

ORDER: This order should be read in continuation to the previous order.

The case has already been heard on 1.03.2020, 30.06.2020, 07.09.2020, 06.10.2020 & 09.12.2020.

On the date of first hearing on 11.03.2020, the respondent informed that the information relates to the PIO-GMADA. The respondent had brought some information on behalf of the PIO-GMADA. However, the appellant was not satisfied with this information.

Since the GMADA was not being represented for a couple of months, the Commission directed the First Appellate Authority, GMADA to appoint a fresh PIO who can represent the organization on various hearings. A copy of the order was sent to the First Appellate Authority with the direction to ensure that this order is being complied with and the information is provided to the appellant as per RTI application.

On the date of next hearing on **30.06.2020**, the respondent present pleaded that the information was ready but the signing authority was on leave. The respondent however, assured to provide the information within a week.

On the date of hearing on **07.09.2020**, the respondent pleaded that since the earlier PIO had been transferred and he had joined as PIO recently as well as the information being voluminous, the appellant be asked to inspect the record and get the relevant information. The counsel for the appellant had agreed for the same. The appellant was directed to inspect the record by visiting the office of PIO on 17.09.2020 at 11.00 AM and get the relevant information. The PIO was directed to allow inspection of the record to the appellant and provide the relevant information as per the RTI Act.

On the date of hearing on 06.10.2020, due to shut down of the VC, the hearing could not take place. The case was adjourned.

On the date of last hearing on **09.12.2020**, the appellant informed that he inspected the record, however, the information supplied was not as per the RTI application. The respondent pleaded that the available information has been provided and no further information is available in the record.

Hearing both the parties, the PIO was directed to provide whatever information is available on record, and if no other information than the provided one is available, to give in writing on an affidavit that the information that has been provided is true, complete and no further information is available on the record. The information be provided within 15days.

Hearing dated 10.02.2021:

The case has come up for hearing today through video conferencing at DAC Mohali. The advocate representing the appellatant informed that no correspondence after the previous order has been made by the PIO.

The Commission has received a copy of letter from the PIO on 19.01.2021 stating that the information has been provided to the appellatant on 10.11.2020 and 03.12.2020. However, in the previous order, the PIO was directed to provide whatever the information available on record and if no other information is available, to give in writing on affidavit that the information that has been provided is true, complete and no further information is available. The respondent is absent nor has complied the order of the Commission.

The Commission has taken a serious view of this and hereby directs the PIO 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 **17.05.2021 at 11.00 AM** through a video conference facility available in the office of Deputy Commissioner, Mohali.

**Chandigarh
Dated:10.02.2021**

**Sd/-
(Khushwant Singh)
State Information Commissioner**

CC to: PIO-GMADA,Mohali



Sh.Gurinder Singh, S/o Sh.Harneek Singh,
R/o Bhagta Bhaika,
Tehsil Phul, Distt. Bathidna.

... Appellant

Versus

Public Information Officer,
O/o SSP,
Bathinda.

First Appellate Authority,
O/o IGP,
Bathinda Range, Bathinda.

...Respondent

Appeal Case No. 2076 of 2020

PRESENT: Sh.Gurinder Singh as the Appellant
Sh.Sanjeev Singla, DSP (HQ) Bathinda for the Respondent

ORDER:

The appellant through RTI application dated 09.01.2020 has sought information regarding log book of vehicle No.Pb-12-AG-0414 from 01.10.2018 to 30.04.2019 from the office of SSP Bathinda. The appellant was not provided the information after which the appellant filed first appeal before the first appellate authority on 13.02.2020 which disposed off the appeal on 29.05.2020 with the decision that the information cannot be provided since the vehicle was being used by the officers for enquiries of some complicated cases and the disclosure of information may hamper the investigation.

The case has come up for hearing today through video conferencing at DAC Bathinda. The Commission has received a reply from the PIO on 09.02.2021 which has been taken on the file of the Commission.

Having gone through the reply, the Commission observes that the PIO-SSP has denied the sought information blanketly and the first appellant has upheld the PIO's decision without invoking or using support of the exemptions provided under Section 8 of the RTI.

The PIO is directed to file a suitable reply again.

The case is adjourned. To come up for further hearing on **24.05.2021 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Bathinda.

Chandigarh
Dated:10.02.2021

Sd/-
(Khushwant Singh)
State Information Commissioner