



Sh. Yogesh Majahan, S/o Sh Kuldeep Raj Mahajan,
Opposite Water Tank Municipal Market,
Mission Road, Pathankot.

... Appellant

Versus

Public Information Officer,
O/o SDO, Construction,
Sub Division No-3, PWD B&R,
Bathinda.

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

...Respondent

Appeal Case No. 198 of 2019

Present: None for the Appellant
Sh.Sukhpreet Singh, SDO-cum-APIO for the Respondent

Order: The case was last heard on **25.04.2019**. The respondent present pleaded that the information has been provided to the appellant vide letter dated 15.04.2019. The appellant was absent and vide letter received in the Commission on 24.04.2019 informed that he has received the information from the APIO till date.

The Commission observed that there has been an enormous delay of 6 months in providing the information. In reply, the respondent pleaded that the appellant was asked to come and collect the information vide letter dated 05.11.2018 and again vide letter dated 20.11.2018 but the appellant failed to collect the information.

The Commission found gross negligence on the part of the PIO who rather than sending the information, chose to direct the appellant to come and collect the information. The First Appellate Authority also disposed off the appeal upholding the PIO's view.

The PIO was issued a show **under Section 20 of the RTI Act 2005** and the PIO was directed to file reply on an affidavit. The PIO was also directed to appear personally alongwith written reply on an affidavit on the next date of hearing.

Hearing dated 10.06.2019:

The information stands provided. Regarding reply to the show cause, the respondent has submitted an affidavit stating that the delay in supplying the information has occurred due to ambiguity in the information sought, which was intended to be clarified and there is no intentional delay. The plea is accepted.

Since the information has been provided, no further course of action is required. The case is **disposed off and closed**.

Chandigarh
Dated: 10.06.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden, Sector 16, Chandigarh.
Ph: 0172-2864114, Email: - psicsic30@punjabmail.gov.in
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Sh. Yogesh Majahan, S/o Sh Kuldeep Raj Mahajan,
Opposite Water Tank Municipal Market,
Mission Road, Pathankot.

... Appellant

Versus

Public Information Officer,
O/o SDO, Construction,
Sub Division No-1, PWD B&R,
Sangrur.

First Appellate Authority,
O/o SE,
PWD B&R, Sangrur.

...Respondent

Appeal Case No. 205 of 2019

Present: None for the Appellant
Sh.Mohit Jindal, SDO for the Respondent

Order:

The case was last heard on **25.04.2019**. The appellant was absent and vide letter received in the Commission on 24.04.2018 informed that the PIO has not provided the information. The respondent was absent without intimation to the Commission. The PIO was directed to provide the information and be present on the next date of hearing.

Hearing dated 10.06.2019:

The respondent present pleaded that the information has been sent to the appellant vide letter dated 06.06.2019. The appellant is absent and vide email has informed that the PIO has not supplied the information.

Having gone through the file, the Commission observes that there has been an enormous delay of seven months in providing the information. The Commission has taken a serious view of this and hereby directs the PIO to show **cause why penalty be not imposed on the PIO under section 20 of the RTI Act 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 alongwith the written replies.

The case is adjourned. To come up for further hearing on **26.08.2019 at 11.00 AM** for further hearing.

Sd/-

Chandigarh
Dated: 10.06.2019

(Khushwant Singh)
State Information Commissioner



Sh. Yogesh Mahajan, S/o Sh Kuldeep Raj Mahajan,
Opposite Water Tank Municipal Market,
Mission Road, Pathankot.

... Appellant

Versus

Public Information Officer,
O/o SDO, Provincial,
Sub Division, PWD B&R, Sangrur.

First Appellate Authority,
O/o SE,
PWD B&R, Sangrur.

...Respondent

Appeal Case No. 206 of 2019

Present: None for the Appellant
None for the Respondent

Order:

The case was last heard on **25.04.2019**. The appellant was absent and vide letter received in the Commission on 24.04.2018 informed that the PIO has not provided the information. The respondent was absent without intimation to the Commission. The PIO was directed to provide the information and be present on the next date of hearing.

Hearing dated 10.06.2019:

The appellant is absent and vide email has informed that the PIO has not supplied the information. The respondent is absent on second consecutive hearing.

Having gone through the file, the Commission observes that there has been an enormous delay in providing the information. The Commission has taken a serious view of this and hereby directs the PIO to show **cause why penalty be not imposed on the PIO under section 20 of the RTI Act 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 alongwith the written replies.

The case is adjourned. To come up for further hearing on **26.08.2019 at 11.00 AM** for further hearing.

Sd/-

Chandigarh
Dated: 10.06.2019

(Khushwant Singh)
State Information Commissioner



Sh. Yogesh Mahajan, S/o Sh Kuldeep Raj Mahajan,
Opposite Water Tank Municipal Market,
Mission Road, Pathankot.

... Appellant

Versus

Public Information Officer,
O/o SDO, Electrical,
Sub Division PWD B&R, Nabha.

First Appellate Authority,
O/o SE, Electrical Division (South),
PWD B&R Circle, Patiala.

...Respondent

Appeal Case No. 207 of 2019

Present: None for the Appellant
Sh.Gagandeep Singh SDE for the Respondent

Order:

The case was last heard on **25.04.2019**. The appellant was absent and vide letter received in the Commission on 24.04.2019 informed that the PIO has not provided the information.

The respondent present pleaded that due to restructuring, the total area of Nabha Sub Division has been merged with Electrical Sub Division No.1 Patiala and the information has been sent to the appellant by Electrical Sub Division No.1 Patiala vide letter dated 29.03.2019. There had been some confusion in the minds of the appellant. The respondent stated that the information sent by the Electrical Sub Division No.1 Patiala should be treated as the information from Sub Division Nabha. However, since the appellant informed that he has not received the information, the case was adjourned.

Hearing dated 10.06.2019:

The respondent present pleaded that the information has been provided to the appellant. The appellant is absent and vide email has informed that he has received the information and is satisfied.

Since the information has been provided, no further course of action is required. The case is **disposed off and closed**.

Chandigarh
Dated: 10.06.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh. Sewa Singh,
H No-2580/9, Oppo Ramnan Mahajan Gali,
Near Nath Mandir, Katran Khazana, Amritsar.
Appellant

Versus

Public Information Officer,
O/o Tehsildar, Gidderbaha,
Distt Sri Mukatsar Sahib.

...Respondent

Complaint Case No. 207 of 2019

PRESENT: Sh.Sewa Singh as the Complainant
None for the Respondent

ORDER:

The case was last heard on 13.05.2019. The complainant informed that the PIO has not provided the information. The complainant further pleaded that the information was required to defend and produce evidence in an ongoing litigation which pertains to his daughter in a dowry case.

The respondent was absent. The PIO was directed to look at the RTI application and provide the information to the appellant within 10 days. The PIO was also directed to explain the reasons for not attending to the RTI application within the time prescribed under the RTI Act.

Hearing dated 10.06.2019:

The Commission has received a letter diary No.10165 dated 20.05.2019 from the PIO vide which they have sent a reply to the complainant that as per record received from the concerned patwari, there is no property in the name of Sh.Rajvinder Singh s/o Sh. Harnek Singh in the revenue record of village Lalbai. The complainant has received the information.

Since the information has been provided, no further course of action is required. The case is **disposed off and closed.**

Sd/-

Chandigarh
Dated 10.06.2019

(Khushwant Singh)
State Information Commissioner

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Sh. Yogesh Mahajan, S/o Sh Kuldeep Raj Mahajan,
Opposite Water Tank Municipal Market,
Mission Road, Pathankot.

... Appellant

Versus

Public Information Officer,
O/o SDO, Electrical,
Sub Division No-4, PWD B&R,
Patiala.

First Appellate Authority,
O/o SE, Electrical Division (South),
PWD B&R Circle, Patiala.

...Respondent

Appeal Case No. 208 of 2019

Present: None for the Appellant
Sh.Dharminder Singh, APIO for the Respondent

Order:

The case was last heard on 25.04.2019. The appellant was absent and vide letter received in the Commission on 24.04.2018 informed that the PIO has not provided the information.

The respondent present pleaded that since the concerned clerk was on medical leave, the information could not be provided. The respondent further pleaded that they will send the information before the next date of hearing.

The Commission observed that since there has been an enormous delay of 6 months in providing the information and the respondent was making frivolous excuses, the PIO was directed to provide the information to the appellant within 10 days and explain the reasons for not attending to the RTI application within the time prescribed under the RTI Act. The explanation be sent on an affidavit.

Hearing dated 10.06.2019:

The respondent present pleaded that the information has been provided to the appellant. The appellant is absent and vide email has informed that he has received the information from the PIO till date.

In the last hearing, the Commission had observed an enormous delay in providing the information after which the PIO was directed to file an explanation for the reasons into the delay, on an affidavit. The respondent has submitted an affidavit, which is taken on the file of the Commission. The PIO in the affidavit has pleaded that the clerk dealing with the supply of information was 'mentally upset' due to personal family reasons and he was on medical leave and that there was no other clerk or substitute available in the Division to prepare the requisite information, thus the delay in providing the information.

Appeal Case No. 208 of 2019

Having gone through the reply, the Commission has taken serious umbrage to the PIO's reply whereby he has declared a clerk mentally upset with a mere stroke of a pen. Such a derogatory remark along with poor usage of language and assertions of someone being 'mentally upset' is not expected of a senior colleague as well from a high-ranking government official. The commission expects that even if the PIO had to take a plea that the delay was caused due to the ill health of the dealing clerk, the affidavit should have been worded more sensitively and corroborated by medical evidence. In any case, the responsibility to disburse information lies in the hand of the PIO and throwing it upon a clerk or any other official is not a ground to justify the enormous delay in providing the information. Moreover, if the PIO had found that there was a dereliction of duty by the clerk, the PIO should have ensured that the RTI did not suffer and taken remedial measures.

Keeping the above facts in mind, The PIO is hereby show-caused **why penalty be not imposed on the PIO under section 20 of the RTI Act for not supplying the information within the statutorily prescribed period of time**, He/She should file a fresh affidavit in this regard. The PIO is directed to appear personally on the next date of hearing.

The case is adjourned. To come up for further hearing on **26.08.2019 at 11.00 AM.**

Sd/-

Chandigarh
Dated: 10.06.2019

(Khushwant Singh)
State Information Commissioner



Sh. Yogesh Mahajan, S/o Sh Kuldeep Raj Mahajan,
Opposite Water Tank Municipal Market,
Mission Road, Pathankot.

... Appellant

Versus

Public Information Officer,
O/o XEN, Electrical Engineer,
Division No-2, PWD B&R,
Mini Secretariat, Block-C, Patiala.

First Appellate Authority,
O/o SE, Electrical Division (South),
PWD B&R Circle, Patiala.

...Respondent

Appeal Case No. 209 of 2019

Present: None for the Appellant
Sh.Dharminder Singh, APIO for the Respondent

Order:

The case was last heard on 25.04.2019. The appellant was absent and vide letter received in the Commission on 24.04.2018 informed that the PIO has not provided the information.

The respondent present pleaded that since the concerned clerk was on medical leave, the information could not be provided. The respondent further pleaded that they will send the information before the next date of hearing.

The Commission observed that since there has been an enormous delay of 6 months in providing the information and the respondent was making frivolous excuses, the PIO was directed to provide the information to the appellant within 10 days and explain the reasons for not attending to the RTI application within the time prescribed under the RTI Act. The explanation be sent on an affidavit.

Hearing dated 10.06.2019:

The respondent present pleaded that the information has been provided to the appellant. The appellant is absent and vide email has informed that he has received the information from the PIO till date.

In the last hearing, the Commission had observed an enormous delay in providing the information after which the PIO was directed to file an explanation for the reasons into the delay, on an affidavit. The respondent has submitted an affidavit, which is taken on the file of the Commission. The PIO in the affidavit has pleaded that the clerk dealing with the supply of information was 'mentally upset' due to personal family reasons and he was on medical leave and that there was no other clerk or substitute available in the Division to prepare the requisite information, thus the delay in providing the information.

Having gone through the reply, the Commission has taken serious umbrage to the PIO's reply whereby he has declared a clerk mentally upset with a mere stroke of a pen. Such a derogatory remark along with poor usage of language and assertions of someone being 'mentally upset' is not expected of a senior colleague as well from a high-ranking government official. The commission expects that even if the PIO had to take a plea that the delay was caused due to the ill health of the dealing clerk, the affidavit should have been worded more sensitively and corroborated by medical evidence. In any case, the responsibility to disburse information lies in the hand of the PIO and throwing it upon a clerk or any other official is not a ground to justify the enormous delay in providing the information. Moreover, if the PIO had found that there was a dereliction of duty by the clerk, the PIO should have ensured that the RTI did not suffer and taken remedial measures.

Keeping the above facts in mind, The PIO is hereby show-caused **why penalty be not imposed on the PIO under section 20 of the RTI Act for not supplying the information within the statutorily prescribed period of time**, He/She should file a fresh affidavit in this regard. The PIO is directed to appear personally on the next date of hearing.

The case is adjourned. To come up for further hearing on **26.08.2019 at 11.00 AM.**

Chandigarh
Dated: 10.06.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

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Visit us: - www.infocommpunjab.com



Sh. Sukrit Sharda,
50/186, Old Shahpur Road,
Pathankot.

... Appellant

Versus

Public Information Officer,
O/o XEN, Construction Division No-1,
PWD B&R Branch, Amritsar.

First Appellate Authority,
SE, Construction Circle,
PWD B&R Branch, Amritsar.

...Respondent

Appeal Case No. 224 of 2019

PRESENT: None for the Appellant
 Sh.Sikandar Singh, APIO O/o EE Construction Div. No.1 PWD(B&R)
 Amritsar for the Respondent

ORDER:

The case was last heard on 29.04.2019. The appellant was absent and vide letter received in the Commission on 25.04.2019 informed that the PIO has not provided the information. The Commission received a letter on 02.04.2019 from the PIO stating that they have sent reply to the appellant on 26.10.2018 and again on 26.12.2018.

Having gone through the reply of the PIO, the Commission observed that the PIO not only delayed the information but stonewalled the information by asking the appellant for reasons behind seeking the information. The PIO was issued a show cause **under Section 20 of the RTI Act 2005 and the PIO was** directed to file reply on an affidavit. The PIO was also directed to provide the information within 10 days and appear personally along with written reply on an affidavit on the next date of hearing.

Hearing dated 10.06.2019:

Facts of the case:

- 1) That the appellant Sh.Sukrit Sharda had filed an RTI application on 24.09.2018 seeking information regarding bank accounts, statement of all developmental funds of different agencies/departments under various heads of accounts in different public & private sector banks
- 2) That he was not provided the information within the stipulated time under section 7 of the RTI Act, after which he filed the first appeal on 07.11.2018 which took no decision on the appeal.
- 3) On not getting the information, the appellant filed a second appeal with the State Information Commission, which first came up for hearing on 29.04.2019.

4) On the date of the hearing (29.04.2018), the appellant was absent and vide letter received in the Commission on 25.04.2019 informed that the PIO had not provided the information. The PIO vide letter received in the Commission on 02.04.2019 informed that they have sent reply to the appellant on 26.10.2018 and again 26.12.2018.

5) That having gone through the reply of the PIO, the Commission observed that the PIO not only delayed the information but stonewalled the information by asking the appellant for reasons behind seeking the information whereas the RTI Act clearly states that an applicant making application for information is not required to give any reasons for requesting the information or any personal detail except those that may be necessary for contacting him.

6) That due to gross negligence on the part of the PIO, the PIO was issued a show cause notice under section 20 of the RTI Act 2005 for denying the information on the pretext to ask the reasons behind seeking the information. The PIO was directed to file an affidavit in this regard. The PIO was also directed to provide the information within 10 days and appear personally on the next date of hearing alongwith reply to the show cause notice on an affidavit.

The case has come up for hearing today. The PIO however in spite of the orders of the Commission to be personally present has not turned up. The PIO instead has sent Sh.Sikandar Singh who informed that they have sent the information to the appellant on 29.05.2019 and the appellant has acknowledged having received the information.

In reply to the show cause, the respondent has submitted an affidavit which is taken on the file of the Commission. Having gone through the affidavit, the Commission finds that the reasons mentioned in the affidavit do not justify the delay in providing the information.

Order.

Keeping the above facts of the case in mind, this is a fit case to invoke section 20 of the RTI Act and impose a penalty on the PIO. Section 20 reads as follows-

20.Penalties. – (1) Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complain or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified under sub-section (1) of section 7 or malafidely denied the request for information or knowingly given incorrect , incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall impose a penalty of two hundred and fifty rupees each day till application is received or information is furnished, so however, the total amount of such penalty shall not exceed twenty-five thousand rupees:

Provided that the Central Public Information Officer or the State Public Information Officer, as the case may be, shall be give a reasonable opportunity of being heard before any penalty is imposed on him:

Provide further that the burden of proving that he acted reasonably and diligently shall be on the Central Information Officer, as the case may be.”

Appeal Case No. 224 of 2019

The onus and responsibility lies on the PIO to ensure the transmission of the complete information to the appellant. The PIO, O/o Xen Construction Division No.1, PWD(B&R) Amritsar is hereby held guilty for not providing the information on time as prescribed under section 7, which is within 30 days of the receipt of the request, and for repeated and willful defiance of the Punjab State Information Commission's orders.

A penalty of Rs.10,000/- is hereby imposed upon the PIO, O/o Xen Construction Division No.1, PWD(B&R) Amritsar which be deposited in the Govt. Treasury.

Further, the PIO, Xen Construction Division No.1, PWD(B&R) Amritsar is directed to duly inform the Commission of the compliance of the orders by producing a copy of the challan justifying the deposition of the penalty in the Govt Treasury.

To come up for compliance on **26.08.2019 at 11.00 AM.**

Chandigarh
Dated 10.06.2019

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh. Sukrit Sharda,
50/186, Old Shahpur Road,
Pathankot.

... Appellant

Versus

Public Information Officer,
O/o XEN, Construction Division No-2,
PWD B&R Branch, Kapurthala.

First Appellate Authority,
SE, Construction Circle-2,
PWD B&R Branch, Jalandhar.

...Respondent

Appeal Case No. 227 of 2019

PRESENT: None for the Appellant
Sh.Varinder Kumar, PIO O/o Xen Construction Div.No.1, PWD (B&R)
Jalandhar for the Respondent

ORDER: The case was last heard on 29.04.2019. The appellant was absent and vide letter received in the Commission on 25.04.2019 informed that the PIO has not supplied the information. The respondent present pleaded that since the information sought by the appellant is 3rd party information, it cannot be provided. However, the PIO did not respond to the RTI application.

The Commission observed that there was an enormous delay in attending to the RTI application and the PIO had denied the information on the pretext that the information is 3rd party without citing any rules/sections under the RTI Act., the PIO was directed to provide the information within 10 days and explain the reasons for not attending to the RTI application within the time prescribed under the RTI Act. The PIO was also directed to be present personally on the next date of hearing alongwith the explanation on an affidavit.

Hearing dated 10.06.2019:

The respondent present pleaded that the information has been provided to the appellant vide letter dated 01.05.2019 and a copy of the same is submitted to the Commission. The appellant is absent to point out the discrepancies, if any.

I have gone through the information and find that the information has been provided to the best possible extent.

The respondent has submitted an affidavit regarding reasons for delay in providing the information which is taken on the file of the Commission. The PIO has mentioned in the affidavit that it was his opinion that no public interest will be served by the information desired by the appellant, hence the information was rejected and that after the order of the Commission, the information has been provided to the appellant. The plea is accepted.

Since the information stands provided, no further course of action is required. The case is **disposed off and closed.** –

Chandigarh
Dated 10.06.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

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ShJaspal Singh, S/o Sh Ramesh Arora,
H No-319/3, Gurdeep Nagar, Jagraon,
Ludhiana.

... Appellant

Public Information Officer,
O/o Executive Officer, Nagar Council,
Jagraon, Ludhiana.

First Appellate Authority,
O/o Deputy Director, Local Bodies,
Ludhiana.

...Respondent

Appeal Case No. 1284 of 2018

Present: None for the Appellant
None for the Respondent

ORDER:

The case was first heard on **19.06.2018**. The appellant was not satisfied with the information provided by the respondent regarding points 1 to 4. The PIO was directed to provide the information regarding these points within 10 days.

The case was again heard on **24.07.2018**. The appellant was not present. The respondent present brought the information. The information was found incomplete as the copies of the information were not attested and signed by the competent authority.

The PIO was directed to send the complete information on all points duly attested and signed by the competent authority within ten days. The PIO Sh.Manohar Singh was also directed to be present personally on the next date of hearing with suitable reply and explain as to why action should not be taken against him for not complying with the orders of the Commission.

The case again came up for hearing on **20.08.2018**. The Commission found that the PIO is showing laxity in providing the information and not complying the orders of the Commission. The Commission made clear that on the next date of hearing, the designated PIO should be personally present with explanation for not complying the orders of the Commission failing which the Commission will be compelled to issue summons u/s 18(3)(a) of the RTI Act 2005 and also initiate action under the provisions of RTI Act.

The appellant was absent. The appellant was also directed to be present to go through the information, failing which the Commission will be constrained to decide the case ex-parte.

The case came up for hearing again on **26.09.2018**. The respondent was absent and sought exemption due to election duty of the staff.

The appellant pleaded that the PIO has not abided by the orders of the Commission. The PIO was directed to send the certified copies of the information regarding points 1 to 4 as per the RTI Act within 15 days failing to do so, the Commission will be constrained to issue show cause notice. The PIO was also directed to send compliance report before the next date of hearing to the Commission.

Appeal Case No. 1284 of 2018

The case was again heard on **19.11.2018**. The appellant informed that the information has not been provided to him so far. The respondent was absent again asked for exemption citing the reason that the APIO dealing with such cases has been deputed for election duty. It was observed that the PIO is not serious in complying with the orders of the Commission, the PIO was issued **show cause notice with the directions to file an** affidavit in this regard.

The case was further heard on **14.01.2019**. The respondent present submitted an affidavit stating that the information has been provided to the appellant as per available record and there is no more information in their record. The appellant was absent and vide email informed that the PIO has not provided the information as per orders of the Commission.

The PIO was absent and sent an affidavit through his representative. The affidavit was not on the stamp paper. The PIO was directed to appear personally on the next date of hearing and submit appropriate reply to the show cause notice. The PIO was also directed to send the certified copies of the information regarding points 1 to 4 to the appellant.

The case was again heard on **26.02.2019**. The respondent present pleaded that the information has been provided to the appellant on 21.02.2018. The appellant stated that the PIO has not provided certified copies of the information per order of the Commission. The respondent was directed to provide certified copy of the information regarding points 1 to 4 within 3 days.

Regarding reply to the show cause notice, the respondent pleaded that he had just joined on 23.10.2018 and there was another PIO who was handling this case.

Since there were more than one PIO involved in continuous defiance of the Commission's order as well as continuous defiance in respect of Commission's various directions, both the PIO's were directed to be present on the next date of hearing with appropriate reply to the show cause notice issued on 19.11.2018.

The case was last heard on **30.04.2019**. The respondent present informed that all the information has been provided to the appellant. The appellant was not satisfied with the information regarding point-3 and informed that the information is not certified. The PIO was directed to provide the information on point-3 and certify all the information already provided.

Hearing dated 10.06.2019:

The appellant is absent and vide email has informed that the PIO has not provided the information on point-3. The respondent is absent. The PIO is given one last opportunity to comply with the earlier order of the Commission which still stands and appear personally before the Commission on the next date of hearing.

The case is adjourned. To come up for compliance on **26.08.2019 at 11.00 AM**.

Sd/-

Chandigarh
Dated: 10.06.2019

(Khushwant Singh)
State Information Commissioner



Sh.Simranjit Singh, S/o ShJagdisth Singh,
93/2, Adarsh Nagar,
Jalandhar.

...Appellant

Versus

Public Information Officer,
O/o JDA,
Jalandhar.

First Appellate Authority,
O/oJDA,
Jalandhar.

...Respondent

Appellant Case No. 3851 of 2018

Present: None for the Appellant
None for the Respondent

Order:

The case was first heard on **05.03.2019**. The respondent present pleaded that the appellant was asked to inspect the record vide letter dated 23.07.2018 and after inspecting the record, the appellant submitted a list of documents vide letter dated 31.08.2018. Thereafter, the appellant was asked to deposit requisite fee of Rs.10000/- vide letter dated 24.09.2018 which the appellant has not deposited.

The appellant refuted this claim of the department and stated that as per envelope of the letter, the dispatch date was 01.10.2018 and the appellant received the letter only on 06.10.2018. The respondent was directed to bring dispatch register to ascertain the date of dispatch of the letter. The appellant also raised objection stating that the detail of Rs.10000/- has not been provided. The PIO was directed to provide break up of Rs.10000/-.

The case was last heard on **24.04.2019**. The respondent present brought the break up of Rs.10000/- and handed it over to the appellant. The respondent also brought copy of dispatch register as a proof of dispatch of letter dated 24.09.2018. The appellant raised objection regarding raising of fee and pleaded that since the information has not been provided within the time prescribed under the RTI Act, the information be provided free of cost.

Having gone through the record and hearing both the parties, the Commission found no malafide or willful intention on the part of the PIO in attending to the RTI application, since the appellant had filed the RTI application on 06.07.2018 which was responded to by the PIO well within the time prescribed under the RTI Act on 23.07.2018 and asked the appellant to inspect the record. Further the time taken in raising the fee after the appellant submitted list of documents after inspection of record, was on account of due procedure of correspondence between the two parties.

Having gone through the fee that was raised by the PIO, the Commission observed that the PIO to relook the fee for the maps, as the fee to be charged under the RTI Act is as per actual cost, and not as fixed by the Govt. The PIO was directed to send a fresh demand of fee to be collected after determining the actual cost. The PIO was also directed to provide the information within 15 days once the fee is deposited by the appellant.

Hearing dated 10.06.2019:

Since both the parties are absent, in the interest of justice, one more opportunity is granted and the case is adjourned. The PIO is directed to comply with the earlier order of the Commission which still stands.

To come up for compliance on **26.08.2019 at 11.00 AM.**

Sd/-

Chandigarh
Dated: 10.06.2019

(Khushwant Singh)
State Information Commissioner



Sh.Varun Kumar, S/o Sh.Bhupinder Kumar,
Ward No-2, Street NO2,
Opposite Krishan Bhagwan Gaushala, Malout,
Distt.Shri Mukatsar Sahib.

Appellant

Versus

Public Information Officer,
O/o Guru Nanak Dev Thermal Plant,
(TG Maintenance Cell), Bathinda

First Appellate Authority,
O/o Chief Engineer,
Guru Nanak Dev Thermal Plant,
Bathinda.

...Respondent

Appeal Case No. 4023/2018 &4129/2018

Present: Sh.Varun Kumar as the Appellant
Sh.Rajinder Kumar, Addl. SE, Mrs.Rupali Dhaliwal, APIO-GNDTP, Bhatinda
and Sh.Ravi Vasudeva, Dy. Manager, PSPCL(HRD) for the Respondent

ORDER:

The case was first heard on 12.03.2019. The respondents present pleaded that the available information has been provided to the appellant. The counsel representing the appellant was not satisfied with the reply of the PIO regarding points 11 to 16 and points 26 to points 34. Having gone through the record and after hearing both the parties, following was decided:

- | | |
|--------------------|--|
| - Points 1 to 10 | - Information provided |
| - Point No.11 | - To be adjudicated at the next date of hearing |
| - Point No.12 | - Information provided |
| - Point No.13 | - Information provided at the hearing |
| - Point No.14 | - The appellant to bring 10 specific names of the engineers at the next date of hearing which will be adjudicated by the Commission. |
| - Points 15 & 16 | - Not to be provided |
| - Points 17 to 25 | - Information provided |
| - Point No.26 & 27 | - Appellant to specify if there is any corruption charges and disclosure of information has a larger public interest – to be adjudicated at the next date of hearing |
| - Points 28 to 31 | - Information provided |
| - Points 32 to 34 | - Information provided during hearing |

During the hearing, it came to the notice of the Commission that the information sought by the appellant from the office of Deputy Chief Engineer, HRD, PSPCL Patiala in appeal case No.4129/2018 which was also fixed for hearing on 12.03.2019, was the same information that has been sought in the present case, hence both the cases were merged.

Appeal Case No. 4023/2018 &4129/2018

The case was last heard on **14.05.2019**. The respondent present pleaded that the appellant has not specified regarding points 14 and filed a separate RTI application for point No.11 & 14. The appellant had also not established that the disclosure of information has a larger public interest, which he had been asked in the earlier order.

Hearing both the parties, the Commission directed the appellant to get information regarding points 11 & 14 as per his fresh RTI. Point-27 stands withdrawn. Regarding point-26, the appellant was directed to provide list of 10 persons.

Hearing dated 10.06.2019:

The respondent present pleaded that in compliance with the order of the Commission; they have supplied copies of educational certificates of 9 persons and will provide copy of certificate for remaining one person. As per order of the Commission, the appellant has not been able to establish that the disclosure of information regarding point-26 has a larger public interest for which he has sought more time.

The case is adjourned. To come up for further hearing on **02.09.2019 at 11.00 AM**.

Chandigarh
Dated: 10.06.2019.

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to: 1.- Dy.Chief Engineer, HRD
PSPCL Patiala
2. Chief Engineer, HRD, PSPCL Patiala