**STATE INFORMATION COMMISSION, PUNJAB**

**RED CORSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGARH**

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Sh. Ranjit Singh, Advocate,

Chamber No.122, Mahatma Gandi Complex,

District Courts, Patiala Appellant

Versus

Public Information Officer,

O/o Improvement Trust,

Patiala.

First Appellate Authority

O/o Improvement Trust,

Patiala Respondents

**APPEAL CASE NO.1721/2017**

Date of RTI application : 17.04.2017

Date of First Appeal : 01.06.2017

Date of Order of FAA : Reply 13.06.2017

Date of 2nd Appeal/complaint : 22.06.2017

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

Sh. Gurmail Singh, Trust Engineer, Improvement Trust, Patiala – for Respondents.

**ORDER**

The appellant is absent. He has sought an adjournment. It turns out that he is seeking an information relating to personnel issues of Sh. Narinder Singh, JE, Improvement Trust. The respondent says that following the procedure under Section 11 of the Act the information has been refused at the behest of the third party.

The Commission has not been able to decipher as to what specific information is being asked enabling it to adjudicate the matter. Even the application is vague. The appellant is desired to specify the details of information sought for before the next date of hearing.

To come up on **14.09.2017 at 11.30 AM.**

**Sd/-**

**10.08.2017 (Yashvir Mahajan)**

**State Information Commissioner**

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Sh. Gurmukh Singh

S/o Sh. Natha Singh

Vill. P.O. Hoshiarpur, Tehsil Kharar,

Distt. S.A.S. Nagar

Appellant

Versus

Public Information Officer,

O/o Naib Tehsildar, Majri

Tehsil Kharar Distt.S.A.S.Nagar

First Appellate Authority

O/o Sub Divisional Magistrate,

Kharar. Respondents

**APPEAL CASE NO.1724/2017**

Date of RTI application : 06.04.2017

Date of First Appeal : 15.05.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :27.06.2017

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

Sh. Pushpinder Sood, Reader to Naib Tehsildar, Majri – for Respondents.

**ORDER**

The appellant had sought a copy of a mutation entered at No.8143 of Village Mullanpur Garibdas. The respondent says that the same was refused to be sanctioned for want of attestation of kursinama. They have produced the documents in the hearing itself.

As the appellant is absent, the respondents are directed to send it by post to the appellant within seven days positively. No further action seems called for.

**Disposed.**

**Sd/-**

**10.08.2017 (Yashvir Mahajan)**

**State Information Commissioner**

**PS: Sh. Gurmukh Singh, appellant appeared after the hearing was over. He was apprised of the above order.**

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Sh. Nasib Singh

S/o Sh. SawanSingh,

V &P.O Sohana

Near Old Police Station,

S.A.S Nagar (Mohali) Appellant

Versus

Public Information Officer,

O/o Commissioner,

Municipal Corporation,

Municipal Bhawan, Sec-68, S.A.S. Nagar.

First Appellate Authority

O/o Commissioner,

Municipal Corporation,

Municipal Bhawan, Sec-68,S.A.S. Nagar Respondents

**APPEAL CASE NO.1733/2017**

Date of RTI application : 06.10.2016

Date of First Appeal : 03.11.2017

Date of Order of FAA : Reply 09.11.2016

Date of 2nd Appeal/complaint : 20.06.2017

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

Sh. Sarbjeet Singh, PIO – cum – Assistant Commissioner, M.C., Mohali – for Respondents.

**ORDER**

The appellant had sought an information concerning the encroachments and Reri Pheris having been removed from the road of Sohana – Landran and market road Sohana. The respondent says that the appellant was desired to deposit a fee of Rs.140/- being the cost of information on 09.11.2016 which was refused to be given by the appellant on account of delay in requisitioning it. Nonetheless, the available information with them was provided to him on 08.12.2016.

The appellant is of the view that they should have provided him the information on the action having been taken by them on a complaint made by him.

He seems to be confusing this forum with a grievance redressal cell and insists on Contd…page…2

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**APPEAL CASE NO.1733/2017**

the information which according to the respondents is not available with them. The respondents have given him a reply along with the information comprised in 70 pages. The PIO submits that no more record is available. The Commission has no reason to disagree with the submissions made by the respondent. The delay is marginal and unintentional according to the respondents. The Commission does not see further requirement of intervention by the Commission.

**Disposed.**

**Sd/-**

**10.08.2017 (Yashvir Mahajan)**

**State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh. Jasvir Singh

S/o Sh. Sant Singh,

V &P.O. Sohana

Near Rattan College,

Distt. S.A.S. Nagar. -14308 Appellant

Versus

Public Information Officer,

O/o Senior Supdt. of Police,

S.A.S.Nagar

First Appellate Authority

O/o Inspector General of Police,

Chhoti Baradari, Patiala Respondents

**APPEAL CASE NO.1759/2017**

Date of RTI application : 01.05.2017

Date of First Appeal : 31.05.2017

Date of Order of FAA : Reply 03.06.2017

Date of 2nd Appeal/complaint :03.07.2017

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

Constable Maninder Singh, O/o SSP, Mohali – for Respondents.

**ORDER**

The appellant had sought for the certified copy of a report submitted by the DSP,   
City – 2, Mohali of enquiry along with the jimney maintained in an FIR No. 84, dated 15.04.2015 registered in the Police Station of Sohana.

The respondent says that the same in original have been filed in the Court along with the challan. This bench understands that a copy of the challan filed by the respondents should be available with the respondents. They are required to provide it to the appellant well before the next date of hearing.

To come up on **14.09.2017 at 11.30 AM.**

**Sd/-**

**10.08.2017 (Yashvir Mahajan)**

**State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh. Sita Singh

S/o Sh.Waryam Singh,

V & P.O Kakrala Tehsil Nabha,

Distt. Patiala Appellant

Versus

Public Information Officer,

O/o Senior Supdt. of Police,

Patiala.

First Appellate Authority

O/o Inspector General of Police,

Patiala Respondents

**APPEAL CASE NO.1767/2017**

Date of RTI application : 18.10.2016

Date of First Appeal : 16.05.2017

Date of Order of FAA : Reply 12.12.2016

Date of 2nd Appeal/complaint : 21.06.2017

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

Sh. Devinder Singh, Constable, O/o SSP, Patiala – for Respondents.

**ORDER**

The appellant has a grievance against an alleged misappropriation of NREGA funds. He claims that someone’s name was fudged as his daughter-in-law who actually worked on ground and embezzled the remuneration due to her. He had made a complaint with the Police and thereafter sought the copy of statements recorded in this regard.

The respondent says that the documents concerned were provided to him. However, in inadvertence the statement of one Sh. Sher Singh S/o Sh. Joga Singh could not be furnished to him. He has brought along a copy of the same which has been handed over to the appellant on spot. The Commission finds that an undue delay has been taken by the respondents in providing the information. They are cautioned to be watchful in future. The Commission does not see any requirement of further intervention.

As the matter relates to an alleged misappropriation the Deputy Commissioner, Patiala is desired to look into it and take appropriate action.

**Disposed.**

**Sd/-**

**10.08.2017 (Yashvir Mahajan)**

**State Information Commissioner**

**Cc: Deputy Commissioner, Patiala for information and n/a.**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh. H.S. Hundal

Chamber No.82, District Courts,

Sector-76, S.A.S. Nagar.

Appellant

Versus

Public Information Officer,

O/o State Information Commission, Punjab

Red Cross Building, Sector-16,

Chandigarh

First Appellate Authority

O/o State Information Commission, Punjab

Red Cross Building, Sector-16,

Chandigarh Respondents

**APPEAL CASE NO.1784/2017**

Date of RTI application : 20.02.2017

Date of First Appeal : 29.03.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 05.06.2017

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

1. Sh. Romesh Kumar, APIO – cum – SO, PSIC, and

2. Sh. K.L.Jhamb, PS/Secy. on behalf of the FAA.

**ORDER**

The appellant is absent. Nothing has been heard from him also. The respondents say that his appeal is hazy and does not rebut the findings specifically made in the first appeal. They say that the available information was provided to him and nothing more has been withheld. The First Appellate Authority in Para 4 of its order dated 16.05.2017 observed as under :-

*“The case file has been perused minutely. The arguments advanced by the PIO have also been heard at length. The appellant has neither come present and filed any response, nor has intimated any reasons for his absence. It is presumed that he is satisfied with the information already provided to him and does not wish to pursue his present appeal case any further. He has also not availed of the opportunity of personal hearing afforded to him. Moreover, all the available information on record has been provided to the appellant. Accordingly, the present appeal is disposed of and closed. However, if any of the parties is not satisfied with this order, it may file a second appeal before the State Information Commission, Punjab, Red Cross Bhawan, Sector 16 – A, Chandigarh within a period of ninety days of this order under the provisions of Section 19(3) of RTI Act, 2005.” Contd…page…2*

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**APPEAL CASE NO.1784/2017**

The appellant has neither appeared before the First Appellant Authority nor the undersigned bench. His appeal is also stereotyped. Nothing specifically has been impugned in the order passed in first appeal. It seems that the second appeal has been filed for the sake of it only.

This bench does not see any infirmity in the order passed by the First Appellate Authority. Nothing new has also been brought forward in the second appeal by the appellant. The Commission does not find any reason to disagree with the findings made by the First Appellate Authority which is hereby upheld. Besides, it agrees with the Respondents that humongous information has been sought and it is a fit case to invoke Section 7(9) of the Act on the diversion of resources to a disproportionate extent.

**Disposed.**

**Sd/-**

**10.08.2017 (Yashvir Mahajan)**

**State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh. Surinder Singh

Chamber No. 135, Yadvindra Complex,

District Courts, Patiala Complainant

Versus

Public Information Officer,

O/o Senior Supdt. of Police,

Patiala

First Appellate Authority

O/o Senior Supdt. of Police,

Patiala Respondent

**COMPLAINT CASE NO.657/2017**

Date of RTI application : 10.08.2016

Date of First Appeal : 17.02.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 30.06.2017

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

Constable Devinder Singh, O/o SSP, Patiala – for Respondents.

**ORDER**

The complainant had sought information with reference to a follow up action taken by the police on an FIR No. 82 dated 20.06.1992. The respondent says that he has already been provided with the information.

The complainant is absent. Nothing has been heard from him also. The matter is adjourned for want of an appropriate response from the complainant.

To come up on **14.09.2017 at 11.30 AM.**

**Sd/-**

**10.08.2017 (Yashvir Mahajan)**

**State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh. Tejinder Singh Journalist,

Village Bholapur, P.O. Ramgarh,

Chandigarh Road, Ludhiana -141123

Appellant

Versus

Public Information Officer,

O/o Greater Ludhiana Area Development Authority,

Ludhiana

First Appellate Authority

O/o Addl. Chief Administrator,

Greater Ludhiana Area Development Authority,

Ludhiana Respondents

**APPEAL CASE NO.2954/2015**

**Present:** Sh. Jasbir Singh on behalf of the Appellant.

1. Sh. Santosh Kumar Bains, PIO – cum – SDE, O/o, GLADA, Ludhiana,

2. Sh. Manpreet Singh, Sr. Assistant, O/o GLADA, Ludhiana – for Respondents.

**ORDER**

A notice was issued for non-compliance of the order of the Commission earlier passed on 19.10.2016. The respondents have brought along eleven lay-out plans of the entire estate in Ludhiana. The same have been handed over on spot to the appellant. The appellant intends to go through the same as the information is quite voluminous.

To come up on **20.09.2017 at 11.30 AM through video conference at Ludhiana.**

**Sd/-**

**10.08.2017 (Yashvir Mahajan)**

**State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh. Jaspal Singh,

House No.221, Sector-51-A,

Chandigarh Complainant/Appellant

Versus

Public Information Officer,

O/o Additional Deputy Commissioner,

S.A.S Nagar (Mohali)

First Appellate Authority

O/o Deputy Commissioner, S.A.S. Nagar (Mohali) Respondents

**COMPLAINT/APPEAL CASE NO.3604/2015**

**Present:** Sh. Jaspal Singh, Complainant/Appellant in person.

None on behalf of the Respondents.

**ORDER**

The complainant is present. None has appeared on behalf of the respondents. Nothing has been heard from them as well.

From the perusal of the record it is observed that a bench of the Commission had passed an order that the complainant had expressed his satisfaction over the receipt of information. He says that he is not conversant with English language and could not understand the import of the above order. However, he denies having ever received the information asked for.

The undersigned bench has gone through the record. There is no inkling in record to the effect that the information has been provided to the complainant.

Even the respondents have not taken a plea of having provided the information. There seems some miscommunication in this respect. Contrarily it is a classic case of indifference, defiance and arrogance on the part of the respondents. The crux of the issue is that the complainant had sought for a copy of a mutation No.1055 of Village Balopur, Tehsil Dera Bassi duly sanctioned by the Sub Divisional Magistrate, Dera Bassi in the year 2009. Ever since he has been making request Contd…page. 2

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**COMPLAINT/APPEAL CASE NO.3604/2015**

for its certified copy but without any avail. An express order passed by the then State Information Commissioner on 08.05.2013 directing the then ADC to pass a speaking order after hearing the complainant. However, the same seemingly was ignored with contempt. No action seemingly has been taken by the then incumbent.

Thereafter during the last four years the complainant has been made to run between the office of the Commission and the respondent like a proverbial shuttle cock but without any tangible result. Apparently, there seems some malafide design and intent in depriving and obstructing the flow of the information in the office of the Public Authority which requires to be enquired into. The PIO is directed to produce in person the entire record in original regarding the mutation in question along with the file dealing his RTI applications on 29.08.2017 failing which the Commission shall be constrained to enforce his presence by exercising its authority under Section 18(3) (a) of the RTI Act.

To come up on **29.08.2017 at 11.30 AM.**

**Sd/-**

**10.08.2017 (Yashvir Mahajan)**

**State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh. Jasbir Singh, Editor Arjun Patrika,

Village Bholapur Jhabewal, P.O. Ramgarh,

Distt. Ludhiana -123455 Complainant

Versus

Public Information Officer,

O/o District Transport Officer,

Ferozepur. Respondent

**COMPLAINT CASE NO.775/2016**

**Date of RTI Application : 01.02.2016**

**Date of Complaint : 31.03.2016**

**Date of Order of FAA : NIL**

**Date of Second Appeal : Nil**

**Present:** Sh. Jasbir Singh, Complainant in person.

None on behalf of the Respondent.

**ORDER**

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

*“The respondent is neither present nor anything has been heard from him. The Commission takes it as a willful denial of information and observes that the respondent has rendered himself liable for imposition of penalty under Section 20(1) of the Act. The PIO is, thus, issued a show cause notice to explain in a self-attested affidavit as to why a penalty @ Rs.250/- per day of delay subject to maximum of Rs.25,000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on him for causing willful delay / denial of the information to the RTI applicant and why the compensation be not awarded to the Complainant under Section 19 (8) (b) of the Act for the detriment suffered by him.*

*In addition to the written reply, the PIO is also given an opportunity under Section 20(1) proviso thereto, for a personal hearing before the imposition of such penalty on the next date of hearing. He may take note that in case he does not file his written reply and does not avail himself of the opportunity of personal hearing on the date fixed, it will be presumed that he has nothing to say and the Commission shall proceed to take further proceedings against him ex parte.”*

*Contd…page…2*

*-2*

**COMPLAINT CASE NO.775/2016**

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

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

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

Thereafter despite affording more than couple of occasions the respondents have refused either to attend the Court or provide the information. Obviously, he has nothing to say on the show cause notice already issued to him. The liability on the part of the respondents is inescapable. Exercising its authority under Section 20(1) of the RTI Act, the Commission imposes a penalty of Rs.10,000/- (Rupees Ten Thousand only) in lump sum on Sh. Harjit Singh Sandhu, District Transport Officer, Ferozepur as the delay is beyond 100 days. The Drawing & Disbursing Officer is directed to deposit the amount of penalty in the government Treasury in two equal installments from his salary from the month of September, 2017 under head given below :

- 0070-Other Administrative Services

- 60 Other Services

- 800 Other Receipts

- 86 Fee under RTI Act, 2005

A copy of the challan shall be sent to the Commission for record before the next date of hearing positively.

Contd…page…3

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**COMPLAINT CASE NO.775/2016**

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

To come up for monitoring in compliance on **10.10.2017 at 11.30 AM.**

**Sd/-**

**10.08.2017 (Yashvir Mahajan)**

**State Information Commissioner**

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

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

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

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

**Sector – 9, Chandigarh.**

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

**Sector – 17, Chandigarh.**

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

**District Transport Officer, Ferozepur for n/a.**

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Sh. Jasbir Singh

Vill. Bholapur, Jhabewal,

P.O.Ramgarh Distt. Ludhiana-123455 Appellant

Versus

Public Information Officer,

O/o District Transport Officer,

Mansa

First Appellate Authority

O/o State Transport Commissioner, Punjab.

SCO No.177-178, Sector-17-C,

Chandigarh Respondents

**APPEAL CASE NO.2885/2016**

**Date of RTI Application : 07.03.2016**

**Date of First Appeal : 25.04.2016**

**Date of Order of FAA : NIL/ Reply 28.04.2016**

**Date of Second Appeal : 31.08.2016**

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

Sh. Ravinder Singh, M.V.I, DTO Office, Mansa – for Respondents.

**ORDER**

Sh. Ravinder Singh, MVI appearing on behalf of the respondents has submitted a letter from the Deputy Commissioner, Mansa wherein he has intimated the administrative expediency of presence of District Transport Officer, Mansa in view of the Independence Day celebrations. His absence is excused.

Sh. Ravinder Singh further submit that the sought for information has been provided. He regrets the delay. The appellant has informed that he is in receipt of the information. We take a serious note of the delay despite various directions of the Commission. The respondents are issued a recorded reprimand with the caution to be watchful in future.

**Disposed.**

**Sd/-**

**10.08.2017 (Yashvir Mahajan)**

**State Information Commissioner**

**CC: The Deputy Commissioner, Mansa, for information.**

**CC: Sh. Deepak Rahela, PCS,**

**District Transport Officer, Mansa.**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh. Jasbir Singh,

Village Bholapure Jhabewal, P.O. Ramgarh,

Distt. Ludhiana Appellant

Versus

Public Information Officer,

O/o Financial Commissioner Revenue, Punjab,

3rd Floor, Punjab Civil Sectt.-1,

Chandigarh

First Appellate Authority,

O/o Financial Commissioner Revenue, Punjab,

3rd Floor, Punjab Civil Sectt.-1,

Chandigarh Respondents

**APPEAL CASE NO.1137/2017**

**Date of RTI Application : 11.02.2017**

**Date of First Appeal : 14.03.2017**

**Date of Order of FAA : NIL**

**Date of Second Appeal : 14.04.2017**

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

1. Smt. Manjit Kaur, PIO – cum – Under Secretary, O/o FCR, Punjab, and

2. Sh. Manjit Singh, Sr. Assistant, RE – I Br., O/o FCR, Pb. – for Respondents.

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**ORDER**

This be read in continuation of this bench’s orders dated 15.06.2017 and 18.07.2017. The appellant in fact is seeking the action having been taken on a case of short levy on the registered sale deed No.14354 dated 14.12.2011 and a sale deed No.16317 dated 16.01.2012. He reiterates that the same has been endorsed by the D.R.O. in his memo dated 20.05.2016. The appellant is seeking the details of the action having been taken on the recovery of short levy and the disciplinary action, if any, against the delinquent officials. The respondents in the office of the FCR submit that they have since advised the Deputy Commissioner, Ludhiana to look into the issue and take appropriate action.

Contd…page..2

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**APPEAL CASE NO.1137/2017**

An appeal on the same subject has already been decided by the undersigned’s bench on 26.04.2017. The Commission feels that no purpose shall be solved to keep the issue alive.

The matter is disposed with the advice to the Deputy Commissioner, Ludhiana to apprise the appellant of the action having been taken if any or the status of the issue within thirty days from today positively under intimation to the Commission.

**Sd/-**

**10.08.2017 (Yashvir Mahajan)**

**State Information Commissioner**

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