



Sh Goldi Kumar, S/o Sh Jagdish Rai
Grover, R/o Street NO-10-11, Choti Pauri,
Abohar,
Tehsil Fazilka.

... Appellant

Versus

Public Information Officer,
O/o EO, MC,
Abohar.

First Appellate Authority,
O/o Joint Deputy Director, Local Govt,
Ferozepur

.....Respondent

Appeal Case No. 1014 of 2019

PRESENT: None for the appellant

Sh.Mangat Ram, Jr. Assistant O/o EO-MC Abohar for the Respondent

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

That the appellant through RTI application dated 20.11.2018 has sought information regarding action taken report on the application dated 07.11.2017 as per RTI application and other information concerning the office of EO, MC Abohar. The appellant was not provided the information after which the appellant filed a first appeal before the First Appellate Authority on 22.12.2018, which disposed off the appeal with the directions to the PIO to provide the information.

The case came up for hearing on 25.06.2019, 16.10.2019, 10.12.2019, 24.02.2020, 10.06.2020, 29.07.2020 & 22.09.2020.

On the date of hearing on **16.10.2019**, the PIO was again absent. The Commission received an email from the PIO whereby the PIO denied the information stating that the information sought is in question form.

On 10.12.2019, the appellant claimed that the PIO has not provided the information. The PIO was absent on 3rd consecutive hearing nor had complied with the order of the Commission. The PIO was issued a **show cause notice under section 20 of the RTI Act 2005 and directed to file a reply on an affidavit. The PIO was again directed to provide the information within 10 days.**

On the date of next hearing which was held on 24.02.2020, the PIO was again absent nor has sent any reply to the show cause notice.

To secure the erring PIO's presence before the commission, a bailable Warrant of the PIO-cum-Estate Officer, Municipal Council, Abohar was issued through Senior Superintendent of Police, Fazilka under section 18(3) of the RTI Act for his presence before the Commission on 25.03.2020. Due to lockdown in the state of Punjab, the case was postponed to 10.06.2020.

On 10.06.2020, Sh.Raj Kumar O/o MC Abohar appeared and informed that the information has been provided to the appellant. The PIO-cum-EO, MC Abohar was absent. The respondent present informed that Sh.Gurdas Singh was the EO-MC Abohar who has been transferred and now posted as EO-Budhlada, District Mansa.

Appeal Case No. 1014 of 2019

To secure the erring PIO's presence before the commission, a bailable Warrant of the Sh.Gurdas Singh, EO-MC Budhlada, Distt.Mansa was issued through Senior Superintendent of Police, Mansa for his presence before the Commission on **29.07.2020**.

On 29.07.2020, Sh.Gurdas Singh, EO-MC Budhlada appeared and submitted his reply which was taken on the file of the Commission. Since VC was cancelled and other party could not be heard, the case was adjourned to 22.09.2020.

On the date of last hearing on **22.09.2020**, the PIO was absent nor had sent any reply to the show cause notice. The respondent present pleaded that after upgradation of the Municipal Council Abohar to Municipal Corporation no regular PIO is posted. The respondent was directed to inform that who was the PIO on the following dates:

- 25.06.2019
- 16.10.2019
- 10.12.2010
- 24.02.2020
- 10.06.2020

The present PIO was directed to appear personally on the next date of hearing alongwith reply to the show cause notice as well as all information that had been asked by the commission.

A copy of the order was sent to the Commissioner, Municipal Corporation, Abohar who is also the First Appellate Authority with the direction to ensure compliance of this order as well as to ensure that the concerned PIO appears before the Commission at the next date of hearing.

Hearing dated 10.11.2020:

The case has come up for hearing today **through video** conferencing at DAC, Fazilka. The respondent present pleaded that the information has already been provided to the appellant on 19.03.2020.

The appellant is absent on 2nd consecutive hearing nor has communicated any discrepancies. It is presumed that the appellant has received the information and is satisfied.

The Commission has also received a reply to the show cause notice from the PIO which has been taken on the file of the Commission.

Having gone through the reply, I accept the plea of the PIO and drop the show cause.

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

Chandigarh
Dated 10.11.2020

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh Prem Singh, S /o Sh Jaspal Singh,
VPO Amar Pura, Tehsil Abohar,
Distt Fazilka.

... Appellant

Versus

Public Information Officer,
O/o SDM-cum-RO,
Abohar, Distt
Fazilka.

First Appellate Authority,
O/o SDM-cum-RO,
Abohar, Distt Fazilka

.....Respondent

Appeal Case No. 1641 of 2019

PRESENT: Sh.Prem Singh as the Appellant
Sh.Gurvinder Singh, Panchayat Officer for the Respondent

ORDER:

The appellant through RTI application dated 30.01.2019 has sought information regarding copy of voter list and ballot paper receipt of Mrs.Poonam Rani voter ID NO>FDR1549765 ward No.02 part No.114 and and other information concerning the office of SDM-cum-RO Abohar. The appellant was not provided the information after which the appellant filed first appeal before the First Appellate Authority on 13.03.2019 which took no decision on the appeal.

The case was last heard on 14.11.2019. The respondent present pleaded that since the information relates to the returning officer of the concerned block, the RTI application was transferred to Sh.Lal Chand, Manager Punjab Agro Abohar-cum-Returning Officer, village Amarpura. The concerned returning officer sent his reply vide letter dated 25.02.2019 stating that since the voters record being personal information of the voter, is kept secret, the information cannot be provided. The reply was sent to the appellant vide letter dated 26.02.2019 and again on 16.09.2019. The appellant was absent. The case was adjourned.

On the next date of hearing on **13.01.2020**, the respondent pleaded that the voter record being personal information of the voter, the information cannot be provided. The respondent further informed that the record can only be opened with the permission of the Court or State Election Commission, Punjab.

The appellant contended that he has not sought information of the voters list and ballot paper but merely asking the marked copy of the voters list and ballot papers which are no way infringements on the privacy of any individual. The PIO-State Election Commission, Punjab was impleaded in the case and directed to send a suitable reply on the matter.

On the date of hearing on **10.06.2020**, the respondent present from the office of Election Commission pleaded that they have already sent a copy of rule 39(2) to the concerned DC-cum-District Election Officer and ADC vide letter dated 05.02.2020 with the direction to provide the information to the appellant as per rules. A copy of the same is submitted to the Commission.

Appeal Case No. 1641 of 2019

Having gone through the file, the Commission observed that there is nothing on record which establishes that the disclosure of information has a larger public interest. The appellant was directed to establish that a larger public interest is involved in revelation of the information.

The PIO-Election Commission was also directed to submit appropriate reply to establish that the document asked for by the appellant in his RTI application is personal or confidential information.

On the date of last hearing on 22.09.2020, the appellant as per last order filed reply which was taken on the file of the Commission.

Having gone through the reply, the Commission observe that since the appellant had only asked for a marked copy of the voter list to know whether Mrs.Poonam Rani had cast her vote in Panchayat Election 2018 in village Amarpura or not, the Commission found no reasons for denial of the information. The Commission directed that the marked copy as sought in the RTI should be provided.

However, the respondent present informed that after completion of Panchayat election process, the record is deposited with ADC(D) and the information presently was in the custody of ADC(D). The respondent present from the office of Election Commission informed that they have already submitted a copy of rule/procedure to be followed for supply of information.

The PIO-ADC(D),Fazilka was directed to provide the information to the appellant after following the due procedure within fifteen days of the receipt of this order.

Hearing dated 10.11.2020:

The case has come up for hearing today through video conferencing at DAC, **Fazilka**. Sh.Gurvinder Singh Panchayat Officer is present and informed that complete information has been provided to the appellant. The appellant 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:10.11.2020

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to : ADC(Development), Fazilka

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Sh. Prem Singh, S/o Sh. Jaspal sikh,
VPO Amar Pura, Tehsil Abohar,
Distt .Fazika.

... Appellant

Versus

Public Information Officer,
O/o SDM, Abohar,
Distt Fazilka.

First Appellate Authority,
O/o SDM, Abohar,
Fazilka.

...Respondent

Appeal Case No. 1167 of 2019

PRESENT: Sh.Prem Singh as the Appellant
Sh.Gurvinder Singh, Panchayat Officer for the Respondent

ORDER:

The appellant through RTI application dated 27.12.2018 has sought information regarding nomination form of Sarpanch candidate of Bimla Devi and Raj Bala alongwith supporting documents and other information concerning the office of SDM Abohar. The appellant was not provided the information after which he filed first appeal before the First Appellate Authority on 09.02.2019 which took no decision on the appeal.

The case was first heard on 31.07.2019. The respondent submitted a letter signed by the PIO-cum-SDM-Abohar dated 26.07.2019 stating that since the record regarding nomination form was taken from the returning officer of the concerned block, after taking necessary action, the record files had been deposited in sealed cover with the ADC(Development), Fazilka. The respondent further pleaded that since the information relates to the District Development and Panchayat Officer-cum-Returning Officer, Abohar, the RTI application had been transferred to them vide letter dated 16.01.2019 and the reply was sent to the appellant.

The appellant was absent and vide email sought adjournment. The PIO-DDPO-cum-Returning Officer, Abohar was impleaded in the case and directed to provide the information to the appellant.

On the date of hearing on 19.12.2019, both the parties were absent. The case was adjourned.

The case was again heard on **13.01.2020**. The respondent present pleaded that since as per order of the Deputy Commissioner, the record stands sealed and it can only be opened with the order of the Court or the State Election Commission, Punjab. The PIO-State Election Commission, Punjab is impleaded and directed to take note of the Deputy Commissioner, Fazilka and file a suitable reply to the Commission. A Copy of reply/note of DC, Fazilka was enclosed with the order for State Election Commission.

On the date of hearing on **10.6.2020**, the respondent present from the office of Election Commission pleaded that they have already sent a copy of rule 39(2) to the concerned DC-cum-District Election Officer and ADC vide letter dated 05.02.2020 with the direction to provide the information to the appellant as per rules. A copy of the same was submitted to the Commission.

The respondent present from the office of DDPO pleaded that the record has been deposited with BDPO office Fazilka. The appellant claimed that he had filed RTI application on 29.12.2018 and the last date of nomination was 31.12.2018. He claimed that when the information was sought, the documents were in the custody of SDM-Abohar who was responsible for conducting the election.

The Commission observed that even though it was a case where the information was easily accessible by the public authority, however, when the appellant had filed the application, the information was held by SDM-Abohar. The Commission directed that this information be provided by following due procedure. The PIO-SDM Abohar was directed to procure it even it is in the custody of the BDPO and provide to the appellant.

The case was last heard on **22.09.2020**. The respondent informed that after completion of Panchayat election process, the record is deposited with ADC(D) and the information is in the custody of ADC(D). The respondent present from the office of Election Commission informed that they have already submitted copy of rule/procedure to be followed for supply of information. The PIO-ADC(D) was directed to provide the information to the appellant by following due procedure.

Hearing dated 10.11.2020:

The case has come up for hearing today through video conferencing at DAC, **Fazilka**. Sh.Gurvinder Singh Panchayat Officer is present and informed that complete information has been provided to the appellant. The appellant 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:10.11.2020

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to :1. PIO-State Election Commission,Punjab
SCO-49,Sector 17-E, Chandigarh.

2. ADC(Development) Fazilka



Sh. Mukhtiar Singh, S/o Sh.Fauja Singh,
R/o Village Jandwala Bhime Shah,
Tehsil & Distt.Fazilka.

.....Appellant

Vs

Public Information Officer,
O/o Sr. XEN, PSPCL,
Zira, Distt.Ferozepur.

First Appellate Authority
O/o SE, PSPCL,
Ferozepur.

.....Respondent

Appeal Case .No. 4217 of 2019

PRESENT: Sh.Mukhtiar Singh as the Appellant
Sh.Rohit Bansal, SDO PSPCL Zira for the Respondent

ORDER:

The appellant through RTI application dated 11.03.2019 has sought information regarding attested copy of service book of the appellant who retired on 31.03.2008 from Mudki Tehsil Zira and other information concerning the office of Sr SE, PSPCL, Zira. The appellant was not satisfied with the reply of the PIO dated 20.09.2019 after which the appellant filed first appeal before the First Appellate Authority on 20.09.2019 which took no decision on the appeal.

The case was first heard on 11.03.2020. The respondent present pleaded that the information has been provided to the appellant on 20.09.2019 and a copy of the same was submitted to the Commission. The appellant was not satisfied and pleaded that he wanted the service book pertaining to the period, he worked as a work charged employee from 1984 to 1992.

The respondent informed that the service book pertaining to this period was in the custody of Xen, City Division, PSPCL Moga. However, as per appellant, the Xen, City Division Moga had sent it to PSPCL Ferozepur.

The PIO-SE, PSPCL Ferozepur and Xen, City Division, PSPCL Moga were directed to look into the matter and provide the information under whose custody this information exists.

On the date of the last hearing on **22.09.2020**, the respondent informed that the duplicate service book was prepared and provided to the appellant. The appellant informed that service book for the period from Jan 1982 to Sept.1992 had not been provided. As per respondent, this record is in the custody of Addl.SE-PSPCL, City Division, Bathinda.

A copy of the RTI application of the appellant was sent to the PIO-Addl. SE, PSPCL City Division, Bathinda with the direction to look into the matter and provide the service book to the appellant. The PIO was directed to contact the appellant Sh.Mukhtiar Singh S/o Sh.Fauza Singh at his mobile No.98761-55813 for any clarification.

Hearing dated 10.11.2020:

The case has come up for hearing today through video conferencing at DAC Fazilka. The respondent present pleaded that the available information has been provided to the appellant. The appellant has received the information except service book for 1990-92 for which the appellant has agreed to collect the same from the office of PSPCL Bathinda.

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

**Chandigarh
Dated 10.11.2020**

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

**CCto :1. Xen, City Division,
PSPCL Moga.**

**2.Addl.SE-PSPCL,
City Division, Bathinda.**

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Sh. Mohan Lal, S/o Sh Raj Kumar,
175, Military Hospital, Cantt.Abohar,
Distt.Fazilka.

... Appellant

Versus

Public Information Officer,
O/o EO, Nagar Council,
Abohar, Distt.Fazilka.

First Appellate Authority,
Deputy Director,
Local Govt, Ferozpur.

...Respondent

Appeal Case No. 1970 of 2019

PRESENT: Sh.MohanLal as the Appellant
Sh.Ramesh Kumar, Clerk O/o EO-MC Abohaar for the Respondent

ORDER:

The appellant through RTI application dated 12.02.2019 has sought information on 8 points regarding details of parking stands constructed on public places in Abohar – name of contractor for contacts given for 2018-19 – terms and conditions of contract – documents submitted by the contractor – rate list of parking -and other information concerning the office of EO Nagar Council, Abohar. The appellant was not provided the information after which the appellant filed a first appeal before the First Appellate Authority on 29.03.2019, which took no decision on the appeal. After filing appeal, the PIO sent reply to the appellant vide letter dated 01.05.2019 stating that the NC has not provided any contract for parking place in the city.

The case was first heard on 21.10.2019. Both the parties were absent. The case was adjourned.

The case was again heard on **23.12.2019**. The respondent present pleaded that the information has been provided to the appellant. The appellant was not satisfied and stated the PIO has only sent a reply vide letter dated 17.10.2019 stating that the NC Abohar has not awarded any contract for parking.

The Commission observed that the PIO's reply was absolutely ambiguous and PIO was trying to use delaying tactics. The PIO was directed to relook at the RTI application and provide point-wise information to the appellant. The information to be provided within 15 days of the receipt of the order.

On the date of hearing on **17.03.2020**, the appellant claimed that the PIO has not provided the information. The respondent informed that the concerned PIO has been transferred and he had been deputed to attend the hearing.

The Commission observed that the PIO had not attended to the RTI application appropriately and even not complied with the order of the Commission. The PIO was issued a **show cause notice under Section 20 of the RTI Act 2005 and directed to file reply on an affidavit.**

The First Appellate Authority-Deputy Director, Local Govt. Ferozpur was also directed to ensure compliance of this order and information to be provided within 15 days.

Appeal Case No. 1970 of 2019

On the date of last hearing on **22.09.2020**, the respondent informed that no contract has been given for parking to any contractor. The PIO was directed to provide appropriate reply on an affidavit.

The PIO was absent nor has sent any reply to the show cause notice issued for delay in attending to the RTI application. The PIO was given one last opportunity to file reply to the show cause notice on an affidavit.

A copy of the order was marked to the Commissioner, Municipal Corporation, Abohar to review the reply of the PIO as prima-facie it appeared to be incorrect information as it is hard to believe that the parking lots in the town Abohar are functioning without any allocation or bids.

Hearing dated 10.11.2020:

The case has come up for hearing today through video conferencing at DAC Fazilka. The respondent present pleaded that since no contract has been given to any contractor and no rules/regulation is available in their record, the reply has been sent to the appellant on an affidavit as per earlier order of the Commission. The appellant has received the affidavit.

The Commission has also received a reply to the show cause notice from the PIO through email which has been taken on the record of the Commission. Having gone through the reply, the commission accepts the plea of the PIO and drops the show cause.

Since the RTI application has been sufficiently replied and all the efforts to extract the sought information, if it existed, remain suitably exhausted, no further course of action is required in this case. The case is **disposed off and closed**.

Chandigarh
Dated 10.11.2020

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh. Vipandeep Verma, S/o Sh. Krishan Lal,
VPO Koharian Wali, Tehsil & Distt. Fazilka.

... Appellant

Versus

Public Information Officer,
O/o District & Session Judge,
Fazilka.

First Appellate Authority,
O/o District & Session Judge,
Fazilka.

... Respondent

Appeal Case No. 3458 of 2019

PRESENT: Sh. Prem Singh for the Appellant
Sh. Sanjeev Kapila, Chief Administrative Officer for the Respondent

ORDER:

The appellant through RTI application dated 18.06.2019 has sought information regarding total number of candidates applied for the post of peon in response to advertisement published by District and Session Judge Fazilka – SC/ST/OBC category merit list and other information concerning the office of District and Session Judge, Fazilka. The appellant was not provided the information after which the appellant filed first appeal before the First Appellate Authority on 26.07.2019.

The case was first heard on 07.01.2020. Both the parties were absent. In the appeal, the appellant had informed that the PIO has denied the information citing section 8(1) of the RTI Act. However, it is not on record.

Having gone through the RTI application, the Commission was of the considered view that this information cannot be held back or denied as the disclosure does not violate any of the provisions of Section 8 which highlights the exemption from disclosure of information. The information was ordered to be provided on all the points.

On the date of hearing on **10.06.2020**, the appellant stated that the PIO has not provided the complete information. The respondent was absent and sent his reply dated 21.12.2019 received in the Commission on 09.01.2020 which was taken on the file of the Commission.

The case was adjourned. The PIO was directed to ensure his presence on the next date of hearing.

On the date of last hearing on **22.09.2020**, the respondent informed that the information has been provided. As per appellant, the information was incomplete. Having gone through the RTI application, reply of the PIO and hearing both the parties, the following was concluded:

Point-1	As per appellant, the PIO has provided only number of candidates applied but has not supplied the list of candidates	The PIO to provide total list via hard copy or through email
Point-2	As per appellant, the PIO has denied the information	PIO to provide merit list
Point-3	As per respondent, information stands provided	Appellant has not received. The PIO to provide the selection criteria
Point-4	As per respondent, information has been provided	Appellant is not satisfied and stated that the respondent has provided only number of candidates selected but not provided their qualification and name of firm/organization from which the selected candidates obtained experience. The Commission observes that since the advertisement asked for the work experience as part of the selection criteria, the same cannot be denied by the PIO. Work experience certificates are an integral part of the process to get a job and are open to public scrutiny, hence they be provided.

Hearing dated 10.11.2020:

The case has come up for hearing today through video conferencing at DAC, **Fazilka**. As per respondent, the remaining information has been provided to the appellant vide letter dated 28.10.2020 with a copy to the Commission. As per appellant, the merit list of the last three candidates has not been provided .

Having gone through the RTI application and information that has been provided by the PIO, the Commission finds that the RTI application has been suitably attended and the information has been provided as per the RTI application. No further course of action is required.

The case is **disposed off and closed**.

Chandigarh
Dated 10.11.2020

Sd/-
(Khushwant Singh)
State Information Commissioner

