

# PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,

Sector 16, Chandigarh.

Ph: 0172-2864101, Fax 0172-2864110 Helpline 0172-2864100

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Whatsapp No. 62848-20189 Cisco Webex: 158 708 3455



Sh. Harjot Singh s/o Sh. Avtar Singh  
r/o 78, New Preet Nagar,  
Batala Road, Near Sun City Park,  
District Amritsar 9877747146

..Complainant

Vs

Public Information Officer  
o/o Deputy Commissioner,  
District Amritsar

Public Information Officer  
o/o Superintending Engineer,  
Water Supply and Sanitation Circle,  
District Amritsar

Public Information Officer **Registered**  
o/o the Commissioner,  
Municipal Corporation,  
Amritsar.

....Respondents

Complaint Case No. 729 of 2021  
(Video Conference Proceedings)

Present:- Sh. Harjot Singh, complainant.  
Sh. Neeraj Bhandari Supdt. on behalf of the respondents.

## ORDER

This order may be read with reference to the previous order dated 11.10.2021

2. The appellant has sought the following information:-

1. ਉਕਤ ਵਿਸ਼ੇ ਨਾਲ ਸਬੰਧਤ ਪਬਲਿਕ ਬਾਥਰੂਮ ਕਿਹੜੀ ਮਿਤੀ ਨੂੰ ਤਿਆਰ ਕੀਤਾ ਗਿਆ ਸੀ ਦਸਿਆ ਜਾਵੇ।
2. ਉਕਤ ਵਿਸ਼ੇ ਨਾਲ ਸਬੰਧਤ ਪਬਲਿਕ ਬਾਥਰੂਮ ਦੀ ਸਾਭ ਸੰਭਾਲ ਦੀ ਜ਼ਿੰਮੇਵਾਰੀ ਕਿਹੜੀ ਸਰਕਾਰੀ ਜਾਂ ਪ੍ਰਾਈਵੇਟ ਅਥਾਰਿਟੀ ਨੂੰ ਦਿੱਤੀ ਹੈ ਉਸ ਅਥਾਰਿਟੀ ਦਾ ਨਾਮ ਅਤੇ ਦਫਤਰ ਪਤਾ ਦਸਿਆ ਜਾਵੇ।
3. ਉਕਤ ਵਿਸ਼ੇ ਨਾਲ ਸਬੰਧਤ ਪਬਲਿਕ ਬਾਥਰੂਮ ਸਬੰਧੀ ਸਾਭ ਸੰਭਾਲ ਤੇ ਸਫਾਈ ਹਫਤੇ ਵਿਚ ਜਿਨੀ ਵਾਰੀ ਹੁੰਦੀ ਹੈ ਇਸ ਨੂੰ ਦਰਸਾਉਂਦੇ ਦਸਤਾਵੇਜ਼ਾਂ ਦੀਆਂ ਕਾਪੀ ਦਿੱਤੀਆਂ ਜਾਣ।
4. ਉਕਤ ਵਿਸ਼ੇ ਨਾਲ ਸਬੰਧਤ ਪਬਲਿਕ ਬਾਥਰੂਮ ਸਬੰਧੀ ਸਾਭ ਸੰਭਾਲ ਤੇ ਸਫਾਈ ਲਈ ਜਿਸ ਵਿਅਕਤੀ ਦੀ ਡਿਊਟੀ ਲੱਗੀ ਹੈ ਉਸ ਦਾ ਨਾਮ ਤੇ ਦਫਤਰ ਪਤਾ ਦਸਿਆ ਜਾਵੇ।

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3. The appellant states that he has sought the information pertaining to the toilets block situated in the premises of the Deputy Commissioner office. He further states that the respondent-Public Information Officer o/o the Municipal Corporation, District Amritsar is supplying the information regarding the toilet block situated outside the Deputy Commissioner's office. However, the representative of the respondents o/o Municipal Corporation, District Amritsar has filed the reply regarding the toilets outside the premises of the Deputy Commissioner office due to ambiguity in the RTI application. He further clarified that the information pertaining to toilets block situated in the premises of the Deputy Commissioner office is controlled by the Deputy Commissioner office and information, if any, in this regard has to be supplied by the concerned Public Information Officer o/o the Deputy Commissioner, District Amritsar.

4. It was also brought to the notice of the complainant regarding the decision of the Hon'ble Supreme Court of India dated 12.12.2011 in Civil Appeal Nos.10787 – 10788 of 2011 (arising out of SLP © No.32768-32769/2010) has held that while entertaining a complaint under Section 18 of the RTI Act, 2005, the Commissioners have no jurisdiction to pass an order providing for an access to the information. Since the complainant has approached the Commission under the provisions of Section 18 of the RTI Act, 2005, no directions for providing further information can be given by the Commission.

It was further brought to his notice that an alternative and efficacious remedy of first appeal is available to the complainant under Section 19(1) of the RTI Act, 2005 which has not been availed in the instant case.

5. Accordingly, the appellant requested that his RTI application was originally filed before the Public Information Officer o/o the Deputy Commissioner, Amritsar. He further requested that the matter may be remanded to the First Appellate Authority.

6. Accordingly, the case is remanded to the First Appellate Authority and is directed to treat this application of the appellant as first appeal and decide the same within the period

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prescribed under the provisions of the RTI Act, 2005. She is also directed to pass an appropriate order after hearing both the parties and examining the record.

7. With these directions the case is disposed of and closed. However, the liberty is granted to the complainant to file the 2<sup>nd</sup> appeal in this case, if he is not satisfied with the decision of the First Appellate Authority.

Dated: 10.11.2021

sd  
(Suresh Arora)  
Chief Information Commissioner,  
Punjab.

Ms Ruhi Dug, IAS **Registered**  
Addl. Deputy Commissioner (Gen.) –cum-  
First Appellate Authority,  
Distt. Administrative Complex,  
District Amritsar.

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Sh. Gurdas Singh,  
R/o Village Bajewala,  
Block Ghal Khurd, Ferozepur

Appellant

Versus

Sh. Dilbag Singh,  
Public Information Officer-cum-  
O/o Block Development and Panchayat Officer,  
Ghal Khurd, Tehsil & Distt. Ferozepur.  
9041823362

First Appellate Authority,  
O/o District Development and Panchayats Officer,  
Ferozepur.

Sh. Gurpreet Singh,  
Panchayat Secretary,  
C/o Block Development and Panchayats Officer,  
Ghal Khurd, Ferozepur.

Sh. MS Chhatwal, IAS **Registered**  
Public Information Officer (By Name)  
O/o Director,  
Rural Development & Panchayat Deptt. Pb.  
Vikas Bhawan, Sector-62, Mohali.

Respondents

## Appeal Case No. 3049 of 2020

(Video Conference/Telephone Proceedings)

Present:- None on behalf of the appellant.  
None on behalf of the respondents.

### ORDER

This order may be read with reference to the previous order dated 11.10.2021.

2. The appellant has sought the following information in this case:-

ਵਹਾਰ ਦਾ ਪਤਾ :  
ਕੀਤੀ ਜਾਣ  
ਭਨਾ ਦਾ ਵਿਸ਼ਾ  
ਜਿਸ ਨਾਲ ਇਹ ਸੂਚਨਾ ਸੰਬੰਧ ਰੱਖਦੀ ਹੈ:  
ਦੀ ਸੂਚਨਾ ਦਾ ਵੇਰਵਾ :  
ਦੇ ਵਿਕਾਸ ਵਾਸਤੇ ਕਿੰਨਾ ਫੰਡ ਆਇਆ, ਕਿਹੜੀ ਕਿਹੜੀ ਤਾਰੀਖ ਨੂੰ ਫੰਡ ਆਇਆ, ਦੀ ਤਸਦੀਕ ਸੁਦਾ

ਚੁਕਤ  
ਗਰਾਮ ਪੰਚਾਇਤ ਬਾਜੇ ਵਾਲਾ ਬਲਾਕ ਘੱਲ ਖੁਰਦ  
ਨੂੰ ਮਿਲੇ ਫੰਡ ਅਤੇ ਖਰਚ ਕੀਤੇ ਫੰਡ ਦੀ ਸੂਚਨਾ ਲੈਣ ਬਾਰੇ  
ਜਨਵਰੀ 2019 ਤੋਂ 30 ਜੂਨ 2020 ਤੱਕ

9762

- ਕਿਸ ਮੰਤਵ ਲਈ ਮਿਲਿਆ, ਜਿਥੇ ਜਿਥੇ ਖਰਚ ਕੀਤਾ ਗਿਆ, ਕਿੰਨਾ ਬਕਾਇਆ ਹੈ, ਦੀ ਤਸਦੀਕ ਸੁਦਾ ਸੂਚਨਾ।
- ਇਹਨਾਂ ਦੀਆਂ ਕਾਰਵਾਈ ਦੀਆਂ ਫੋਟੋ ਕਾਪੀਆਂ।
- ਖਰਚ ਕੀਤੇ ਗਏ ਫੰਡ ਦੇ ਬਿੱਲਾਂ ਦੀਆਂ ਕਾਪੀਆਂ।
- ਮਤਿਆਂ ਦੀਆਂ ਕਾਪੀਆਂ।
- ਕੈਸ਼ ਬੁੱਕ ਦੀਆਂ ਕਾਪੀਆਂ।
- ਐਮ.ਬੀ. ਦੀਆਂ ਕਾਪੀਆਂ।
- ਫਾਰਮ ਨੰਬਰ 4 ਦੀਆਂ ਕਾਪੀਆਂ।
- ਯੂ.ਸੀ. ਸਰਟੀਫਿਕੇਟ ਦੀਆਂ ਕਾਪੀਆਂ।
- ਪੰਚਾਇਤੀ ਫੰਡਾਂ ਦੇ ਮਸਟਰੋਲ ਦੀਆਂ ਕਾਪੀਆਂ।
- ਪੰਚਾਇਤੀ ਜਮੀਨ ਦੇ ਠੇਕੇ ਦੀ ਸੂਚਨਾ, ਇਸ ਜਮੀਨ ਦੀ ਕਿੰਨੀ ਆਮਦਨ ਹੋਈ, ਕਿਥੇ ਖਰਚ ਹੋਈ, ਕਿੰਨੀ ਬਕਾਇਆ ਹੈ, ਖਰਚ ਕੀਤੇ ਫੰਡ ਦੇ ਬਿੱਲਾਂ ਦੀਆਂ ਕਾਪੀਆਂ, ਮਤਿਆਂ ਦੀਆਂ ਕਾਪੀਆਂ ਅਤੇ ਪਟੇਦਾਰਾਂ ਦੇ ਨਾਮ।
- ਨਰੇਗਾ ਤਹਿਤ ਕਿੰਨਾ ਫੰਡ ਪ੍ਰਾਪਤ ਹੋਇਆ, ਕਿਹੜੀ ਕਿਹੜੀ ਮਜ਼ਦੂਰੀ ਕਰਵਾਈ ਗਈ, ਮਜ਼ਦੂਰਾਂ ਦੇ ਨਾਮ, ਨਰੇਗਾ ਤਹਿਤ ਦਿੱਤੀ ਮਜ਼ਦੂਰੀ, ਮਸਟਰੋਲ ਦੀਆਂ ਕਾਪੀਆਂ
- 14ਵਾਂ ਵਿੱਤੀ ਕਮਿਸ਼ਨ ਤਹਿਤ ਜਾਰੀ ਕੀਤੀ ਗਈ ਕੁੱਲ ਗਰਾਂਟ, ਖਰਚ ਕੀਤੀ ਗਰਾਂਟ, ਮਤਿਆਂ ਦੀਆਂ ਕਾਪੀਆਂ ਅਤੇ ਰਚ ਕੀਤੇ ਫੰਡ ਦੇ ਬਿੱਲਾਂ ਦੀਆਂ ਤਸਦੀਕ ਸੁਦਾ ਕਾਪੀਆਂ।

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Appeal Case No. 3049 of 2020

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3. Due to non handing over the record related to the sought information by the custodian Sh. Rajwant Singh, no information could be supplied to the appellant in this case. But the department concerned has already lodged a FIR against Sh. Rajwant Singh, Panchayat Secretary and also placed him under suspension. The reply received from the Director, Rural Development & Panchayat Deptt., Pb. is reproduced below:-

”.....ਕਿ ਸ੍ਰੀ ਰਜਵੰਤ ਸਿੰਘ, ਪੰਚਾਇਤ ਸਕੱਤਰ ਨੂੰ ਇਸ ਦਫਤਰ ਦੇ ਹੁਕਮ ਪਿੱਠ ਅੰਕਣ ਨੰ: 18/5/2018ਅਬਸ6/2858 ਮਿੱਤੀ 7.9.2020 ਰਾਹੀਂ ਮੁਅੱਤਲ ਕਰਦੇ ਹੋਏ ਪੱਤਰ ਨੰਬਰ 18/5/2018/ਅਬਸ6/2862 ਮਿੱਤੀ 7.9.2020 ਰਾਹੀਂ ਚਾਰਜਸ਼ੀਟ ਕੀਤਾ ਗਿਆ ਹੈ ਅਤੇ ਕਰਮਚਾਰੀ ਵਿਰੁੱਧ ਐਫ.ਆਈ.ਆਰ ਦਰਜ ਕਰਨ ਸਬੰਧੀ ਵਿਭਾਗ ਦੇ ਪੱਤਰ ਨੰਬਰ 6/92/17/2 ਆਰ.ਡੀ.ਈ.1/1793 ਮਿੱਤੀ 23.3.2021 ਰਾਹੀਂ ਸੀਨੀਅਰ ਪੁਲਿਸ ਕਪਤਾਨ ਐਸ.ਏ.ਐਸ. ਨਗਰ ਨੂੰ ਪੱਤਰ ਜਾਰੀ ਕੀਤਾ ਗਿਆ ਹੈ, ਕਰਮਚਾਰੀ ਵਿਰੁੱਧ ਮਿੱਤੀ 21.9.2021 ਨੂੰ ਐਫ.ਆਈ.ਆਰ.ਦਰਜ ਹੋ ਚੁੱਕੀ ਹੈ।”

4. The show cause notice was issued to Sh. Dilbag Singh, Block Development and Panchayats Officer and the reply has already been filed by him regarding the same. After due consideration the show cause issued to him is hereby withdrawn.

5. Also the show cause notice was issued to Sh. Jaswant Singh, Block Development and Panchayats Officer-cum-Public Information Officer in this case but no reply has been filed by him. It is also a fact on record that the show cause notice was issued to him on 13.1.2021 and the orders of the Commission were sent to him through registered post i.e. dated 23.2.2021, 25.3.2021, 11.5.2021, 9.7.2021 and 10.8.2021 but Sh. Jaswant Singh, Block Development and Panchayats Officer remained absent. **Therefore, the case file is being sent to the Financial Commissioner, Rural Development & Panchayat Deptt., Pb. with the recommendation to take disciplinary action against Sh. Jaswant Singh, Block Development and Panchayats Officer in this regard.**

6. Keeping in view the departmental action against Sh. Rajwant Singh, Panchayat Secretary, custodian of the record regarding the sought information, **the case is sine-die till the outcome of the FIR mentioned herein.**

sd

(Suresh Arora)

Chief Information Commissioner,  
Punjab. \*

Dated: 10.11.2021

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CC

Financial Commissioner,(By name) **Registered**  
Rural Development & Panchayat Deptt.,  
Vikas Bhawan, Sector 62,  
Mohali.

Sh. Jaswant Singh, **Registered**  
Public Information Officer-cum-  
c/o Block Development and Panchayat Officer,  
Ghal Khurd, Tehsil & Distt. Ferozepur.

Sh. Rajwant Singh, **Registered**  
Panchayat Secretary,  
c/o Block Development and Panchayats Officer  
Moga-1,  
Moga.