



Sh Kamalpreet Singh,  
# 134, Basant City, Threekay,  
P.O Daad, Pakhowal Road,  
Ludhiana.

... Appellant

Versus

**Public Information Officer,**  
O/o Director, Health & Family Welfare,  
C/o Stores Purchase Branch Health,  
Pb, Chandigarh.

**First Appellate Authority,**  
O/o Director, Health & Family Welfare,  
Pb, Chandigarh.

...Respondent

**Appeal Case No. 1135 of 2021**

**PRESENT:   None for the Appellant**  
**Sh.Gurpreet Singh, Sr. Assistant for the Respondent**

**ORDER:**

The appellant through RTI application dated 26.10.2020 has sought information regarding details of official notings and proceedings in an email dated 30.09.2020 and 17.10.2020 regarding NABL Test Report and financial recoveries for overcharging Lab chemicals relating to CRM-M-12646 of 2019 – details or record verifying the amount of financial recovery for purchase of an overcharged price of Glycerol – Methanol and other information as enumerated in the RTI application concerning the office of Director, Health & Family Welfare c/o Stores Purchase Branch, Health Pb Chandigarh. The appellant was not provided with the information after which the appellant filed the first appeal before the First Appellate Authority on 15.12.2020, which took no decision on the appeal. After filing the first appeal, the PIO sent a reply vide letter dated 28.12.2020 that since the appellant has filed a case in the court, the reply will be given in the court.

The case last came up for hearing on 29.07.2021 through video conferencing at DAC Ludhiana. The respondent was present at Chandigarh and pleaded that no email was received and no record is available. The appellant claimed -

That the PIO had earlier sent a reply vide letter dated 28.12.2020 that since the appellant has filed a case in the court, the reply will be given in the court only.

That whereas now the PIO had sent a different reply vide letter dated 19.07.2021 stating that the information is not available.

That there are two different replies a) that the record is available; b) that the record is not available.

From the above arguments, prima facie it appeared that the sought information could well exist in the custody of the concerned public authority.

The PIO was directed to relook at the RTI information and provide all the information point-wise. If any of the information is not available as stated in the reply, file a suitable reply on an affidavit.

**Hearing dated 10.11.2021:**

The case has come up for hearing today through video conferencing at DAC Ludhiana. The respondent present pleaded that the information is not available in the record and as per the order of the Commission, a self-declaration has been provided to the appellant on 21.01.2021.

The appellant is absent and vide email has informed that the PIO has not provided the self-declaration on the judicial paper.

The PIO is directed to send a reply to the appellant on a stamp paper duly attested by Notary Public/Executive Magistrate.

With the above order, the case is **disposed of and closed**.

**Chandigarh**  
**Dated:10.11.2021**

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



Sh Kuldeep Singh, S/o Sh. Boota,  
R/o Village chak Dogra,  
Tehsil Ajnala, Distt. Amritsar.

... Complainant

Versus

**Public Information Officer,**  
O/o SSP,  
Amritsar, (Rural),

...Respondent

**Complaint Case No. 946 of 2020**

**PRESENT:   None for the Complainant**  
**Sh.Harpal Singh, ASI for the Respondent**

**ORDER:**

The complainant through RTI application dated 16.10.2020 has sought information regarding the name and designation of the enquiry officers in FIR No.58 dated 30.04.2018 which was filed against Lakh Singh & Others on the basis of the applicant's statement – a copy of the rule for presenting the challan in the court – comments on the delay of 3 years in arresting the accused and other information as enumerated in the RTI application from the office of SSP Amritsar (Rural). The complainant was not provided with the information after which the complainant filed a complaint in the Commission on 10.12.2020.

The case was last heard on 06.05.2021 through video conferencing at DAC Amritsar. Both the parties were absent.

Having gone through the record, the commission observed that there is no response of the PIO in attending to the RTI application and there has been an enormous delay of more than six months.

The PIO was directed to respond to the RTI application otherwise the Commission will be constrained to initiate proceedings against the PIO under section 20 of the RTI Act.

On the date of last hearing on **03.08.2021**, the PIO sent his reply through email which was taken on the file of the Commission. In the reply, the PIO mentioned that the FIR was registered against the accused persons and the challan was presented in the court of Smt/Radhika Puri, SDJM Ajnala. As per the order of the court, two accused have been declared Proclaimed offender and are yet to be arrested. Further Sh.Kuldeep Singh has filed a writ petition CRPW-6074 of 2021 in the Hon'ble High Court which is pending, hence the information cannot be provided u/s 8(1)(h) of the RTI Act.

The appellant was absent on 2<sup>nd</sup> consecutive hearings. The appellant was directed to appear or be represented before the Commission on the next date of hearing to pursue this case.

**Complaint Case No. 946 of 2020**

**Hearing dated 10.11.2021:**

The case has come up for hearing today through video conferencing at DAC Amritsar. The respondent present reiterated his earlier plea that since the challan has been presented in the court and Sh. Kuldeep Singh has filed a writ petition in the Hon'ble High Court which is pending, hence the information cannot be provided u/s 8(1)(h) of the RTI Act.

The appellant is continuously absent on the 3<sup>rd</sup> hearing nor is represented to pursue his case.

The case is **disposed of and closed** due to the non-pursuance of the case by the appellant.

**Chandigarh**  
**Dated: 10.11.2021**

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



Sh.Ajmer Singh,  
Village MangliNichi,  
P.O Ramgarh, Ludhiana.

... Appellant

Versus

**Public Information Officer,**  
O/o XEN, Water Supply & Sanitation,  
Division No-3, Ludhiana.

**First Appellate Authority,**  
O/o SE, Water Supply and Sanitation  
Circle Ludhiana.

...Respondent

**Appeal Case No. 603 of 2020**

**PRESENT:   None for the Appellant**  
**Sh.Ajay Dhanotia, SDO and Sh.Rohit Kumar Xen   for the Respondent**

**ORDER:**

The appellant through RTI application dated 20.09.2019 has sought information regarding expenditure made and cheques issued from Govt account for waterworks and other schemes from 1.12.2018 to 31.08.2019 and other information concerning the office of XEN, Water Supply & Sanitation, Division No-3, Ludhiana. The appellant was not provided with the information after which the appellant filed the first appeal before the First Appellate Authority on 15.11.2019 which took no decision on the appeal.

The case came up for hearing first on 17.08.2020. The appellant claimed that the PIO has not provided the information. The respondent was absent. Having gone through the record, the Commission observed that there has been an enormous delay of more than ten months in attending to the RTI application, the PIO-XEN, Water Supply & Sanitation, Division No-3, Ludhiana was issued a **show-cause notice under Section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time and directed to file reply on an affidavit.**

That the PIO was again directed to provide the information within 15 days and send a compliance report to the Commission.

That on the date of the hearing on **27.01.2020, The PIO** was again absent. The Commission received a letter from the PIO on 03.12.2020 stating that the information has already been provided to the appellant on 17.08.2020 and the appellant is satisfied with the information. The PIO had also sent an acknowledgement of the appellant having received the information.

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

**Appeal Case No. 603 of 2020**

In the reply, the PIO mentioned that the department comes under the essential services as per Govt of India guidelines and the Ludhiana District being densely populated, has been affected by the Covid-19 Pandemic as well as there is no regular Superintendent deployed in the office, due to which the information has been delayed.

Having gone through the reply, the Commission observed that the PIO had taken the plea of the Covid-19 pandemic for the delay in providing the information. However, as per record, the RTI application was filed on 20.09.2019 whereas the Covid-19 lockdown came into effect in the last week of March 2020, and as per provisions of section 7 of the RTI Act, the information was to be provided within 30 days.

Since the responsibility to ensure the timely transmission of the information to the appellant lies on the PIO, the PIO -XEN, Water Supply & Sanitation, Division No-3, Ludhiana was 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.

The PIO was directed to submit a list of all PIOs from the date of filing RTI application, date of issue of show cause notice till providing the information.

On the date of last hearing on 02.08.2021, the PIO was absent. Sh. Simarjot Singh appeared on behalf of the PIO and informed that Sh. Rohit Kumar was the PIO at the time of filing of RTI application, issuing of the show cause notice and till providing of the information.

Since the complete responsibility to ensure the timely transmission of correct information to the appellant lies on the PIO, XEN, Water Supply & Sanitation, Division No-3, Ludhiana, the PIO- XEN Rohit Kumar was 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. The information was provided after a gap of 11 almost months, and hence a maximum penalty of **Rs.25,000/- (Twenty-five thousand rupees)** was imposed on Sh. Rohit Kumar, PIO-cum- XEN, Water Supply & Sanitation, Division No-3, Ludhiana to be deposited in the Govt. Treasury. The PIO was directed to duly inform the Commission about the compliance of the orders by producing a copy of the challan as evidence of depositing the penalty in the Govt Treasury.

**Hearing dated 10.11.2021:**

The case has come up for hearing today through vide conferencing at DAC Ludhiana. The respondent present informed that in compliance with the order of the Commission, the penalty amount of Rs.25000/- has been deposited in the Govt Treasury on 01.11.2019 and a copy of challan is submitted to the Commission.

Since the information has been provided and the penalty has been deposited in the Govt Treasury, no further course of action is required.

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

**Chandigarh**  
**Dated: 10.11.2021**

**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](mailto:psicsic30@punjabmail.gov.in)**  
**Visit us: - [www.infocommpunjab.com](http://www.infocommpunjab.com)**



Sh. Davinder Kumar, S/o Late Sh Ram Murti,  
VPO Sidhwan Bet, Tehsil Jagraon,  
Distt Ludhiana.

Appellant.

Versus

**Public Information Officer,**  
O/o Additional Chief Secretary,  
Local Govt, Sector-35-A,  
Chandigarh.

**First Appellate Authority,**  
O/o Additional Chief Secretary,  
Local Govt, Sector-35-A,  
Chandigarh.

...Respondent

**Appeal case No.2486/2020, 2487/2020 & 2488/2020**

**PRESENT: Sh.Davinder Kumar as the Appellant**  
**Sh.Sanjeev Kumar, Suptd. O/o Pr. Secretary-(LG-2) and Sh.Kuldeep Singh,**  
**Sr Asstt.(Trust Service Cell)O/o Director Local Govt. for the Respondent**

**ORDER:**

The appellate through RTI application dated 09.01.2020 has sought information regarding a copy of the land of the law of the condition imposed at s.no.2 of submission by Director Local Govt and said the resolution passed by Secretary of Pb Govt under TSC 1356 dt. 303.07.2014 and other information as enumerated in the RTI application concerning the office of Additional Chief Secretary, Local Govt Pb Chandigarh. The appellant was not provided with the information after the appellant filed the first appeal before the First Appellate Authority on 17.07.2020 which took no decision on the appeal.

The case first came up for hearing on **09.02.2021** through video conferencing at DAC Ludhiana. The respondent present pleaded that no such record regarding "Land of law" is available in their record and the reply has been sent to the appellant vide letter dated 27.01.2021.

The Commission observed that there has been an enormous delay in attending to the RTI application since the RTI application was filed on 19.01.2020 whereas the reply was sent on 27.01.2021. In reply, the respondent stated that no RTI application was received by them and the RTI was received along with the notice of the Commission only.

The reply received from the PIO was sent to the appellant, and the appellant, if wants to pursue the case, was directed to send his observations to the PIO.

The Commission further observed that the appellant had filed two more appeal cases No.2487/2020 & 2488/2020 for seeking exactly the same information from Director Local Govt and Law Officer, Local Govt. and the respondent had submitted the same reply in all cases, all these cases were clubbed together.

On the date of hearing on **26.05.2021**, the respondent informed that the reply has already been sent to the appellant.

The appellant was absent.

On the date of hearing on **20.09.2021**, the respondent Sh.Kuldeep Singh informed that the information has already been provided vide letter dated 27.01.2021 that no record relating to Land of the Law is available.

The appellant stated that the contents of the letter are not clear since the PIO has not mentioned the date & no of the previous letter issued by Director Local Govt. and has not provided a copy of the land of law charging collector rate prevailing at the time in 2015 while allotting alternative plots.

Hearing both the parties, the PIO was directed to ensure a reply from the PIO-Principal Secretary, Local Govt whereby details of the sought information are clearly mentioned with the reply as discussed during the hearing. The information to be provided within 15 days.

On the date of the last hearing on **12.10.2021**, the respondent was present from the office of Principal Secretary Local Govt.(LG-2) pleaded that the information has to be provided by PIO-Trust Service Cell whereas as per the respondent present from Trust Service Cell, the information has to be provided by LG-2.

Since the order has already been passed, the PIO was given one last opportunity to comply with the earlier order of the Commission and provide the information as discussed during the hearing. The order was reiterated for easy and quick compliance.

The appellant has asked:-

“The Secretary Local Government Punjab has imposed certain conditions before approval of the Local Government Department Punjab and one of the conditions at serial no. 2 that the allotment of alternative plots be made at the present collector rate prevailing at that time. Please supply me the copy of the LAND OF THE LAW of this condition imposed at serial no.2 of the submissions by Director Local Government Punjab and the said resolution passed by the Secretary of Punjab Government Local Government Department under TSC 1356 of dated 03.07.2014 enclosed with this application for your ready reference as the deciding meeting was held in the office of the Secretary and Chaired by him in which it was decided to impose certain conditions and one of the conditions at serial no.2 to charge the present collector rate prevailing at that time of allotment letters issued in March, 2015 in place of the reserve price of 1999 when the date of allotment of concluding the draw of lots.”

During the hearing and the various answers submitted by the PIO-Director Local Govt and PIO-O/o Principal Secretary, Local Govt., it has been concluded that no such rule exists.

However, since the information sought was from the Principal Secretary, the PIO Principal Secretary was directed to draft a reply to the appellant incorporating the above paragraph and concluding that the information is not available in the record. The information be provided to the appellant before the next date of hearing otherwise the Commission will be constrained to take action against the PIO under section 20 of the RTI Act.



**Hearing dated 10.11.2021:**

The respondent has brought the reply which has been taken on the file of the Commission.

Having gone through the reply, the Commission observes that the PIO, Principal Secretary Local Bodies has not taken cognizance of the order of the Commission and has filed a reply without incorporating the paragraph as mentioned in the earlier order.

Given the above, this bench presumes that the PIO Principal Secretary's reply is in response to the following paragraph of the appellant. Both, the paragraph and the reply of the PIO Principal Secretary, are reproduced below to put the information sought and the given reply in perspective-

"The Secretary Local Government Punjab has imposed certain conditions before approval of the Local Government Department Punjab and one of the conditions at serial no. 2 that the allotment of alternative plots be made at the present collector rate prevailing at that time. Please supply me the copy of the LAND OF THE LAW of this condition imposed at serial no.2 of the submissions by Director Local Government Punjab and the said resolution passed by the Secretary of Punjab Government Local Government Department under TSC 1356 of dated 03.07.2014 enclosed with this application for your ready reference as the deciding meeting was held in the office of the Secretary and Chaired by him in which it was decided to impose certain conditions and one of the conditions at serial no.2 to charge the present collector rate prevailing at that time of allotment letters issued in March 2015 in place of the reserve price of 1999 when the date of allotment of concluding the draw of lots."

The reply to the paragraph given by the PIO Principal Secretary is given below:

"ਆਪ ਵੱਲੋਂ ਮੰਗੀ ਗਈ ਸੂਚਨਾ ਦੇ ਸਬੰਧ ਵਿੱਚ ਸੂਚਿਤ ਕੀਤਾ ਜਾਂਦਾ ਹੈ ਕਿ ਨਗਰ ਸੁਧਾਰ ਟਰੱਸਟ, ਲੁਧਿਆਣਾ ਦੇ ਮਤਾ ਨੰ:59 ਮਿਤੀ:09/10/2013 ਤੇ ਸ਼ਰਤ ਲਗਾਈ ਗਈ ਸੀ ਕਿ "ਇਹਨਾਂ ਅਲਾਟੀਆਂ ਨੂੰ ਪਲਾਟਾਂ ਦੀ ਅਲਾਟਮੈਂਟ ਮੌਜੂਦਾ ਕੁਲੈਕਟਰ ਰੇਟਾਂ ਤੇ ਕਰਨ ਲਈ ਵਿਚਾਰ ਲਿਆ ਜਾਵੇ।" ਅਤੇ ਕੁੱਝ ਸ਼ਰਤਾਂ ਦੇ ਨਾਲ ਸਾਲ 2014 ਵਿੱਚ ਇਹ ਮਤਾ ਪ੍ਰਵਾਨ ਕਰ ਦਿੱਤਾ ਗਿਆ ਸੀ। ਇਸ ਤੋਂ ਬਾਅਦ ਅਲਾਟੀਆ ਵੱਲੋਂ ਅਲਾਟਮੈਂਟ ਤੇ ਲਗਾਏ ਰੇਟ (15600/-) ਦੇ ਸਨਮੁੱਖ ਮਾਨਯੋਗ ਪੰਜਾਬ ਅਤੇ ਹਰਿਆਣਾ ਹਾਈ ਕੋਰਟ ਵਿੱਚ ਕੋਰਟ ਕੇਸ ਦਾਇਰ ਕੀਤਾ ਗਿਆ। ਮਾਨਯੋਗ ਅਦਾਲਤ ਵੱਲੋਂ ਆਪਣੇ ਹੁਕਮ ਮਿਤੀ:18-07-2018 ਰਾਹੀਂ ਅਲਾਟਮੈਂਟ ਦੇ ਰੇਟ ਸਬੰਧੀ ਪ੍ਰਮੁੱਖ ਸਕੱਤਰ ਸਥਾਨਕ ਸਰਕਾਰ ਜੀ ਨੂੰ ਬਿਨੈਕਾਰਾਂ ਨੂੰ ਸੁਣਦੇ ਹੋਏ ਮੂੰਹ ਬੋਲਦੇ ਹੁਕਮ ਪਾਸ ਕਰਨ ਦੇ ਹੁਕਮ ਕੀਤੇ ਗਏ। ਉਸ ਸਮੇਂ ਦੇ ਪ੍ਰਮੁੱਖ ਸਕੱਤਰ ਸਥਾਨਕ ਸਰਕਾਰ ਜੀ ਵੱਲੋਂ ਬਿਨੈਕਾਰਾਂ ਨੂੰ ਸੁਣਦੇ ਹੋਏ ਮੂੰਹ ਬੋਲਦੇ ਹੁਕਮ ਮਿਤੀ:14-06-2019 ਰਾਹੀਂ ਪਾਸ ਕਰਦੇ ਹੋਏ ਅਲਾਟਮੈਂਟ ਦਾ ਰੇਟ 15600/- ਹੀ ਨਿਰਧਾਰਤ ਕੀਤਾ ਗਿਆ। ਜੋਕਿ ਨਗਰ ਸੁਧਾਰ ਟਰੱਸਟ ਵੱਲੋਂ ਤਜਵੀਜ਼ਤ ਮਤਾ ਪਾਇਆ ਗਿਆ ਅਤੇ ਕੇਸ ਦੇ ਤੱਥਾਂ ਅਤੇ ਹਲਾਤਾਂ ਨੂੰ ਵਿਚਾਰਦੇ ਹੋਏ ਮਾਨਯੋਗ ਹਾਈ ਕੋਰਟ ਦੇ ਹੁਕਮਾਂ ਦੀ ਪਾਲਣਾ ਹਿੱਤ ਮੂੰਹ ਬੋਲਦੇ ਹੁਕਮ ਪਾਸ ਕੀਤੇ ਗਏ ਸਨ।

ਇਸ ਲਈ ਆਪ ਨੂੰ ਸੂਚਿਤ ਕੀਤਾ ਜਾਂਦਾ ਹੈ ਕਿ ਮਾਨਯੋਗ ਹਾਈ ਕੋਰਟ ਦੇ ਹੁਕਮਾਂ ਦੀ ਪਾਲਣਾ ਹਿੱਤ, ਨਗਰ ਸੁਧਾਰ ਟਰੱਸਟ ਦੀ ਤਜਵੀਜ਼ ਨੂੰ ਕੇਸ ਦੇ ਤੱਥਾਂ ਦੇ ਆਧਾਰ ਤੇ ਪ੍ਰਸ਼ਾਸਨਿਕ ਫੈਸਲਾ ਲਿਆ ਗਿਆ ਸੀ ਅਤੇ ਇਸ ਵਿੱਚ ਕਿਸੇ Land of Law ਦਾ ਜ਼ਿਕਰ ਨਹੀਂ ਹੈ।"

A copy of the reply submitted by the PIO is being sent to the appellant along with the order.

With the above, the information stands provided and no further interference of the Commission is required in the matter.

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

**Chandigarh**  
**Dated: 10.11.2021**

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