

PUNJAB STATE INFORMATION COMMISSION

RED CROSS BUILDING, NEAR ROSE GARDEN,

SECTOR 16, CHANDIGARH.

Ph: 0172-2864116, Email: - psic26@punjabmail.gov.in

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Sh. Janak Raj, S/o Sh. Jiwan Ram,
Shakti Nagar, St No.1, Goniana Mandi,
Distt:Bathinda.

...Appellant

Vs

Public Information Officer,
O/o Executive Officer,
Nagar Council, Goniana Mandi,
Bathinda.

First Appellate Authority-cum-
O/o Director,
Local Govt., Plot No.3, Sector:35/A Punjab,
Chandigarh.

.....Respondent

AC.No. 3971 of 2019

PRESENT : (i) None is present on behalf of the appellant.
(ii) Sh. Subhash Chand, Clerk on behalf of the PIO.

ORDER:

1. The RTI application is dated 26.06.2019 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) on 02.07.2019 and the second appeal was filed in the Commission on 24.10.2019 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 10.12.2019 by the Commission.

3. The appellant is absent for today's hearing. Intimation has been received from him in the Commission vide diary no. 23641 dated 09.12.2019 that no information has been provided to him by the PIO till date.

4. Sh. Subhash Chand, Clerk is appearing on behalf of the PIO and files reply to the Notice of the Commission mentioning therein that due to elections in Punjab, the provision of information has been delayed.

5. After perusing the record as available on the file, it is ascertained that the PIO has unduly delayed responding to the RTI application which is dated 08.12.2018. The PIO has also not appeared for today's hearing, inspite of the Notice of the Commission. This shows his disregard to

Contd..p-2

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AC.No. 3971 of 2019

the authority of the Commission. The absence of the PIO is viewed seriously. The PIO is directed to appear in person on the next date of hearing alongwith written reply on reasons for the long delay in addressing the RTI application. failing which action under Section 20(1) of the RTI Act, 2005 will be initiated.

6. The appellant is advised to visit the office of the respondent on any working day and peruse the original records as available in the office of the respondent with prior notice to the PIO. The respondent is directed to provide access to records in his office and give copies of documents needed. Photocopies of the same be provided to him duly page numbered, stamped and authenticated by the PIO. The Bench directed that the same be done, before the next date of hearing.

7. The matter is adjourned. To come up for further hearing on **22.01.2020 at 11.30 AM**.
Copies of the order be sent to the parties.

**Chandigarh
10.12.2019**

Sd/-
**((Lt Gen Ajae Kumar Sharma,(Retd))
Punjab State Information Commissioner**

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Sh. Gurmukh Singh, S/o Sh. Pritam Singh,
Village: Pir Sohana, P.O: Roorkee,
Pukhta, Tehsil:Kharar, Distt:Mohali.

...Complainant

Vs

Public Information Officer,
O/o Chairman,
Water Works Committee,
Village: Pir SOhana,Tehsil:Kharar,,
Distt:Mohali.

...Respondent

C.C No. 945 of 2019

PRESENT : None of the parties.

ORDER:

1. The RTI application is dated 17.06.2019 whereby the complainant has sought information as mentioned in his RTI application. He filed complaint in the Commission on 29.10.2019 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
 2. Notice of hearing was issued to the parties for 10.12.2019 by the Commission.
 3. Today, neither the complainant nor the PIO or anybody on his behalf has appeared before the Commission to attend the hearing.
 4. The matter is adjourned. To come up for further hearing on **22.01.2020 at 11.30 AM.**
- Copies of the order be sent to the parties.

Chandigarh
10.12.2019

Sd/-
((Lt Gen Ajae Kumar Sharma,(Retd))
Punjab State Information Commissioner

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Sh. Mahinder Singh, S/o Sh. Sher Singh,
R/o Village: Kamre Wala, Jalalabad (West),
Distt:Fazilka.

.. ...Complainant

Vs

Public Information Officer,
O/o S.D.E,
Construction, Sub Division,
PWD B&R, Jalalabad.

Remanded Back
First Appellate Authority
o/o S.D.E,
Construction, Sub Division,
PWD B&R, Jalalabad.

.....Respondent

C.C No. 934 of 2019

PRESENT : (i) Sh. Mahinder Singh, the complainant.
(ii)None is present on behalf of the respondent.

ORDER:

1. The RTI application is dated 16.07.2019 whereby the complainant has sought information as mentioned in his RTI application. He filed complaint in the Commission on 22.10.2019 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice of hearing was issued to the parties for 10.12.2019 by the Commission.
3. The complainant states that no information has been provided to him by the PIO till date.
4. The PIO is absent for today's hearing inspite of the Notice of the Commission, which shows his disregard to the authority of the Commission.
5. The complainant had filed a RTI application with the PIO on 16.07.2019 for certain information. He received a reply dated 23.09.2019 from the PIO, which he found unsatisfactory. The complainant thereafter filed a complaint with the Commission on 22.10.2019 under Section 18 of the RTI Act.
6. From perusal of the record as available on the file, it is ascertained that the complainant has not availed the provision of the Section 19(1) of the RTI Act by filing an appeal with the First Appellate Authority (FAA). As such the FAA has not been able to address the grievances of the complainant.

Contd...p-2

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C.C No. 934 of 2019

7. It must be noted that there is an alternate and efficacious remedy of First Appeal available under Section 19(1) of the RTI Act. It appears that the complainant has failed to avail the same in the instant case. Consequently, the First Appellate Authority (FAA) has not had the chance to review the PIO's decision as envisaged under the RTI Act.

8. In view of the aforesaid, the instant matter is remanded to the First Appellate Authority. The Commission hereby directs the FAA to treat the copy of the Complaint (enclosed herewith) as the First Appeal and decide the matter in accordance with the provisions of the RTI Act after giving all concerned parties an opportunity to be heard. In case, the complainant is not satisfied with by the decision of the First Appellate Authority (FAA), he is at liberty to file second appeal with Punjab State Information Commission in accordance with the provisions of the RTI Act, 2005.

9. In view of the above, the case is **disposed off and closed**. Copy of the order be sent to the parties.

Sd/-

**Chandigarh
10.12.2019**

**((Lt Gen Ajae Kumar Sharma,(Retd))
Punjab State Information Commissioner**

Note: After the hearing was over, Sh. Kala Singh, Clerk appeared on behalf of the PIO without any authority letter. He stated that the information has already been provided to the complainant. Copy of the same is taken on record. He was apprised that the complainant is not satisfied with the information provided.

Sd/-

**Chandigarh
10.12.2019**

**((Lt Gen Ajae Kumar Sharma,(Retd))
Punjab State Information Commissioner**

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Sh. Avtar Singh, S/o Late Sh. Daljeet Singh,
VPO: Chuharwali, Distt:Jalandhar.

...Appellant

Vs

Public Information Officer,
O/o Punjab Urban Planning and
Development Authority, Jalandhar.

Public Information Officer,
O/o Estate Office,
Jalandhar Development Authority,
Jalandhar.

Public Information Officer,
O/o District Town Planner,
Jalandhar.

First Appellate Authority-cum-
O/o Punjab Urban Planning and
Development Authority, Jalandhar.

.....Respondent

AC.No. 3990 of 2019

PRESENT : (i) None is present on behalf of the appellant.
(ii) Sh. Sanjeev Sharma, SDE-cum-PIO, the respondent.

ORDER:

1. The RTI application is dated 24.06.2019 vide which the appellant has sought information as enumerated in her RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) on 19.08.2019 and the second appeal was filed in the Commission on 24.10.2019 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice of hearing was issued to the parties for 10.12.2019 by the Commission.
3. The appellant is absent for today's hearing without any intimation to the Commission.
4. Sh. Sanjeev Sharma, SDE-cum-PIO O/o PUDA, Jalandhar is appearing in person and filed reply to the Notice of the Commission. He states that the information which has been asked for by the appellant is related to the Estate Office, Jalandhar Development Authority, Jalandhar and District Town Planner, Jalandhar. He further states that the information on first point is related to the District Town Planner, Jalandhar and information on point nos. 2 and 3 being third party information is exempted under Section 8(1) and thus has not be shared. Information on point no. 4 has been sent to the appellant. He further adds that complete reply on each and every point has been sent to the appellant on 02.09.2019 and 04.12.2019. Copy of the same is taken on record.

Contd..p-2

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AC.No. 3990 of 2019

5. The PIO o/o PUDA, Jalandhar is directed to send this information to the appellant once again by registered post under intimation to the Commission.

6. From the hearing of the case, it emerges that this information is also to be provided by the PIO O/o Estate Office, Jalandhar Development Authority, Jalandhar and PIO O/o District Town Planner, Jalandhar. I, therefore, order that PIO, O/o Estate Office, Jalandhar Development Authority, Jalandhar and District Town Planner, Jalandhar be impleaded as Respondents No.2. and 3. I further direct that PIO, O/o PUDA, Jalandhar should appear in person alongwith representative of the impleaded respondents i.e PIO O/o Estate Office, Jalandhar Development Authority, Jalandhar and PIO O/o District Town Planner, Jalandhar, on the next date of hearing alongwith the entire record related to the RTI application of appellant.

7. The matter is adjourned. To come up for further hearing on **22.01.2020 at 11.30 AM.** Copies of the order be sent to the parties.

**Chandigarh
10.12.2019**

Sd/-
**((Lt Gen Ajae Kumar Sharma,(Retd))
Punjab State Information Commissioner**

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Sh. Davinder Singh,
#353, Phase-2, Mohali.

...Appellant

Vs

Public Information Officer,
O/o Punjab Urban Development Authority,
PUDA Bhawan, Mohali.

First Appellate Authority-cum-
O/o Punjab Urban Development Authority,
PUDA Bhawan, Mohali.

...Respondent

AC.No. 4010 of 2019

PRESENT: (i) Sh. Davinder Singh, the appellant.
(ii) None is present on behalf of the PIO.

ORDER

1. The RTI application is dated 06.06.2019 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) on 15.07.2019 and second appeal was filed in the Commission on 24.10.2019 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 10.12.2019 by the Commission.

3. The appellant states that a letter has been received from the First Appellate Authority on 16.10.2019 that this information does not relate to their department, the same is related to the Greater Mohali Area Development Authority, Mohali. He further states that this reply has been received after a lapse of more than three months resulting in unnecessary stress and mental harassment to him. For this the appellant demands that the respondent be penalized.

4. The PIO is absent for today's hearing inspite of the Notice of the Commission which shows his disregard to the authority of the Commission. The PIO is directed to show cause why action should not be taken against him for not attending the hearing inspite of order of the Commission. He should file a written reply in response to the show cause notice as to why the appellant should not be compensated for the mental harassment suffered by him in very delayed response by the PIO. In addition to the written reply PIO is hereby given an opportunity u/s 20(1) proviso thereto for a personal

Contd..p-2

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AC.No. 4010 of 2019

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.

5. The matter is adjourned. To come up for further hearing on **22.01.2020 at 11.30**

AM. Copies of the order be sent to the parties.

**Chandigarh
10.12.2019**

Sd/-
**((Lt Gen Ajae Kumar Sharma,(Retd))
Punjab State Information Commissioner**

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Sh.Navpreet Kaur, W/o Sh. Harjinder Singh,
#11, S-G Garden, Majitha Road, Naushehra,
Amritsar.

.....Appellant

Vs

Public Information Officer,
O/o Deputy Chief Engineer,
Operational, Sub Urban, Division,
Amritsar.

First Appellate Authority-cum-
O/o Chief Engineer, Operational,
Border Zone, Amritsar.

.....Respondent

AC.No. 4034 of 2019

PRESENT: (i) Sh. Harjinder Singh is present on behalf of the appellant.
(ii) Er. Gurbax Singh, Assistant Engineer-cum-APIO on behalf of the PIO.

ORDER

1. The RTI application is dated 28.05.2019 vide which the appellant has sought information as enumerated in her RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) on 02.07.2019 and second appeal was filed in the Commission on 29.10.2019 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 10.12.2019 by the Commission.

3. The appellant has authorized Sh. Harjinder Singh to appear on her behalf for today's hearing. The representative of the appellant states that till date, complete and correct information has not been provided to the appellant.

4. Er. Gurbax Singh, Assistant Engineer-cum-APIO is appearing on behalf of the PIO. He stated that the information, as available in their official records has been provided to the appellant. The representative of the appellant states that he is not satisfied with information provided as certain details have not been disclosed.

5. The appellant is advised to visit the office of the respondent and peruse the original records, on any working day with prior notice to the PIO. The respondent is directed to provide access to records in his office and give copies of documents needed by the appellant. Fifty pages are to be given, free of cost, additional pages to be provided at the cost of two rupees per page.

Contd...p-2

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AC.No. 4034 of 2019

6. On the request of the appellant, the matter to come up for further hearing now on **20.01.2020 at 11.30AM through video conference at O/o Deputy Commissioner, Amritsar.**
Copies of the order be sent to the parties.

**Chandigarh
10.12.2019**

Sd/-
**((Lt Gen Ajae Kumar Sharma, (Retd))
Punjab State Information Commissioner**

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Sh. Jaswinder Singh, S/o Sh. Desh Raj Singh,
Ward No.6, Mohalla Basoli Pattil,
VPO: Bareta, Tehsil:Budhlada, Distt:Mansa.

.....Appellant

Vs

Public Information Officer,
O/o XEN, Distribution, Sub Div,
PSPCL,Bareta, Distt:Mansa.

First Appellate Authority

o/o Chief Engineer,
Distribution, West Zone,
PSPCL, Bathinda.

.....Respondent

A.C.No. 4042 of 2019

Alongwith

A.C.No. 4043 of 2019

PRESENT : (i) None is present on behalf of the appellant..
(ii) Er. Davinder Singh, A.E-cum-APIO on behalf of the PIO.

ORDER:

1. The RTI applications are both dated 30.03.2019 vide which the appellant has sought information as enumerated in his RTI applications. First appeals were filed with the First Appellate Authority (hereinafter FAA) on 20.05.2019 and second appeals were filed in the Commission on 29.10.2019 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 10.12.2019 and 11.12.2019 by the Commission.

3. The appellant filed two appeals with the Commission seeking information from XEN, Distribution, Sub Division, PSPCL, Bareta, Mansa. As both appeals relate to the same subject and department, they have been clubbed for hearing.

4. The appellant is absent for today's hearing without any intimation to the Commission.

5. Er. Davinder Singh, A.E-cum-APIO is appearing on behalf of the PIO having been duly authorized by the PIO. He states that complete information as available in the office records of the department has been provided to the appellant on 12.07.2019 except point nos. 5, 6 and 10. Issues raised in point nos. 5, 6 and 10, are related to O/o Chief Engineer, Accelerator Power

Contd.....p-2

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A.C.No. 4042 of 2019

Alongwith

A.C.No. 4043 of 2019

Development & Reforms Programme, (APDRP) Cell, Patiala and hence have not been addressed. The APIO files an affidavit in both the appeals cases stating that the information which has been provided to the appellant is complete, correct and authentic. The appellant is advised that he should approach the concerned department, for the balance of the information.

6. In view of the above, no further cause of action is left in the instant Appeal Cases, which are hereby, **closed and disposed off**. Copies of the order be sent to the parties.

**Chandigarh
10.12.2019**

Sd/-
**((Lt Gen Ajae Kumar Sharma,(Retd))
Punjab State Information Commissioner**

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Sh. Harjodh Singh, S/o Sh. Prem Chand,
Village:Dagham, Tehsil:Garshankar,
Distt: Hoshiarpur.

.....Appellant

Vs

Public Information Officer,
O/o Chief Engineer,
PWD (B&R), Patiala.

First Appellate Authority-cum-
O/o Secretary,
PWD (B&R), Punjab,
Chandigarh.

.....Respondent

AC.No. 4040 of 2019

PRESENT : (i) Sh. Harjodh Singh, the appellant.
(ii) Sh. Bikramjeet Singh, Sr. Assistant-cum-APIO and Sh.Jaspreet Singh, XEN is present on behalf of the PIO.

ORDER:

1. The RTI application is dated 31.05.2018 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) on 07.02.2019 and second appeal was filed in the Commission on 29.10.2019 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice of hearing was issued to the parties for 10.12.2019 by the Commission.
3. The appellant states that till date, no information has been provided to him by the respondent. No inputs whatsoever have been given regarding action taken by the department on his letter dated 18.05.2018.
4. Sh. Bikramjeet Singh, Sr. Assistant-cum-APIO and Sh. Jaspreet Singh, XEN are appearing on behalf of the PIO and stated that the letter dated 18.05.2018 is under consideration in the department.
5. After hearing both the parties at length and it was observed by the Bench that the PIO has not responded to the RTI application of the appellant inspite of the issue being raised having relevance to larger public interest. The PIO is directed to provide the information to the appellant as available in the office records within seven days, under intimation to the Commission, failing which action under Section 20(i) will be initiated.

Contd...p-2

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AC.No. 4040 of 2019

6. With these directions, the instant appeal case is, **closed and disposed off**. Copies of the order be sent to the parties.

**Chandigarh
10.12.2019**

Sd/-
**((Lt Gen Ajae Kumar Sharma,(Retd))
Punjab State Information Commissioner**

PUNJAB STATE INFORMATION COMMISSION

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SECTOR 16, CHANDIGARH.

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Sh. Jasbir Singh,
Village:Bholapur, Jhabewal,
P.O:Ramgarh,Distt:Ludhiana.

...Appellant

Vs

Public Information Officer,
O/o Director of Factories,
Model Welfare Centre,
Phase-10, Sector:64,
Kirat Bhawan, SAS Nagar, Mohali.

First Appellate Authority-cum-
O/o Principal Secretary,
Labour Deptt., Punjab,
Chandigarh.

.....Respondent

AC.No. 4032 of 2019

PRESENT : (i) None is present on behalf of the appellant .
(ii) Smt. Parmdeep Kaur, Suptd.-cum-APIO, Sh. Mohit Singla, Assistant Director of Factories, Ludhiana-3, Sh. Jatinder Singh Bhatti, Deputy Director Factories, Ludhiana-7 and Sh. Baljinder Singh, Sr. Assistant o/o Assistant Director of Factories, Circle-1, Ludhiana on behalf of PIO.

ORDER

1. The RTI application is dated 01.07.2019 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) on 07.08.2019 and second appeal was filed in the Commission on 29.10.2019 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice of hearing was issued to the parties for 10.12.2019 by the Commission.
3. The appellant is absent for today's hearing without any intimation to the Commission.
4. Smt. Parmdeep Kaur, Suptd.-cum-APIO is appearing on behalf of the PIO O/o Director of Factories, Punjab, Mohali. She filed reply to the Notice of the Commission mentioning therein that the information as asked for by the appellant relates to three circles i.e Assistant Director of Factories, Circle-1, Ludhiana, Assistant Director of Factories, Circle-3, Ludhiana and Deputy Director of Factories, Circle 7, Ludhiana. She further adds that concerned circles have supplied their information directly to the appellant vide letters dated 27.08.2019, 30.09.2019 and 09.09.2019. Copy of the same is taken on record.

Contd..p-2

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AC.No. 4032 of 2019

5. After hearing the respondents at length, it emerges that the information as available with the concerned departments has been supplied to the appellant. In case the appellant has any further query related to his RTI application, he can visit the office of the respondent(s) on any working day with prior notice to the respondent(s) and peruse the original record of the respondent(s) within 15 days.

6. In view of the above, no further intervention of the Commission is called for, as such, the instant appeal case is **closed and disposed off**. Copies of the order be sent to the parties.

**Chandigarh
10.12.2019**

Sd/-
**((Lt Gen Ajae Kumar Sharma, (Retd))
Punjab State Information Commissioner**

Registered post.

CC: (i) Sh. Mohit Singla, Assistant Director of Factories, Circle-3, Ludhiana.
(ii) Sh. Jatinder Singh Bhatti, Deputy Director of Factories, Circle-7, Ludhiana.
(iii) Sh. Baljinder Singh, Sr. Assistant o/o Assistant Director of Factories, Circle-1, Ludhiana.

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