

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.

Ph: 0172-2864110, Helpline 0172-2864100

Email: pcic20@punjabmail.gov.in Visit us: www.infocommpunjab.com

Whatsapp No. 62848-20189



Shri Naresh Kumar,

S/o Shri Ramesh Kumar,

Ace Book Shop Dairy Complex,

Partap Singhwala,

Ludhiana (West)-141008

M : 7837500555 RTI Application No 10554

appellant

Vs

Public Information Officer,

O/o DC, Ludhiana.

First Appellate Authority

O/o DC, Ludhiana.

Public Information Officer

o/o Commissioner,

Municipal Corporation

Ludhiana.

Respondents

Appeal Case No. 3256/2022

Present:- Shri Naresh Kumar, appellant.

Sh. Manjinder Singh, Sr. Asstt on behalf of the respondents

ORDER

The RTI application is dated 18.2.2022 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter called FAA) on 21.3.2022 and second appeal was filed in the Commission on 11.7.2022 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today.

2. The representative of the respondents submits that the sought information relates to the Municipal Corporation and RTI application of the appellant has already been transferred to the Public Information Officer o/o the Municipal Corporation, Ludhiana. Accordingly, the Public Information Officer o/o the Municipal Corporation, Ludhiana is impleaded as necessary party in this case to file the reply/supply the information before the next date of hearing. A copy of the RTI application is also **being sent** to him along with this order.

3. To come up on 13.9.2022 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Ludhiana.

Dated:10.8.2022

(Suresh Arora)
Chief Information Commissioner,
Punjab.

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Shri Ajay Kumar,
S/o Shri Ram Rakha,
R/o House No A-1346,
Street No 1, Radha Swami Colony,
Fazilka.
M : 8146548104

Appellant

Vs

Public Information Officer,
O/o Principal , Govt Sr. Sec. School,
Khui Khera, Distt Fazilka.

First Appellate Authority
O/o DEO (SE), Fazilka.

Respondents

Appeal Case No. 3263/2022

Shri Ajay Kumar,
S/o Shri Ram Rakha,
R/o House No A-1346,
Street No 1, Radha Swami Colony,
Fazilka. M : 8146548104

Appellant

Vs

Public Information Officer,
O/o Principal , Govt Sr. Sec. School, Lalo Wali,
Distt Fazilka.

First Appellate Authority
O/o DEO (SE), Fazilka.

Respondents

Appeal Case No. 3264/2022

Shri Ajay Kumar,
S/o Shri Ram Rakha,
R/o House No A-1346,
Street No 1, Radha Swami Colony,
Fazilka. M : 8146548104

Appellant

Vs

Public Information Officer,
O/o Principal , Govt Sr. Sec. School, Kiria Wali,
Distt Fazilka.

First Appellate Authority,
O/o DEO (SE), Fazilka.

Respondents

Appeal Case No. 3265/2022

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Shri Ajay Kumar,
S/o Shri Ram Rakha,
R/o House No A-1346,
Street No 1, Radha Swami Colony,
Fazilka. M : 8146548104

Appellant

Vs

Public Information Officer,
O/o Principal, Govt Sr. Sec. School, Ladhuka,
Distt Fazilka.

First Appellate Authority,
O/o DEO (SE), Fazilka.

Respondents

Appeal Case No. 3266/2022

Present:- Sh. Ajay Kumar, appellant.
Sh. Subhash Kumar, Public Information Officer 9914981305 o/o DEO,
Fazilka, Sh. Gurdeep Kumar Kareed 9779001979, Sh. Gurmeet Singh,
9463084687, Sh. Hari Chand 9463094599 and Sh. Manoj Kumar
9501021880 on behalf of the respondents

ORDER

The appellant sought the information in the titled cases from the different schools. As the appellant, nature of the sought information remained the same, therefore, the titled cases are clubbed.

2. The representative of the respondents submits that the appellant is seeking the information as an enquiry was conducted by a committee comprising of the four principals from whom the information has been sought. He further submits that a committee submitted the report against the appellant and subsequently his services were terminated. He further submits that the appellant has challenged the report/his termination by filing civil appeal No. 745/2021. The respondents filed the written reply in this regard, which is taken on record vide which he has also made the submissions that the information cannot be supplied to the appellant in the public interest. However, the appellant submits that the directions may be issued to the respondent-Public Information Officer to supply the complete information.

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Appeal Case No. 3266/2022

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3. After hearing the submissions made by the parties, the appellant is directed to establish the larger public interest involved in seeking the information to take the matter to its logical end.

4. Keeping in view the interest of the school functioning, the three Principals of schools are exempted for further appearance in this case as they submitted that Sh.Manoj, Principal-cum-Public Information Officer will be present on the next date of hearing.

5. To come up on 26.8.2022 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Fazilka

Dated:10.8.2022

(Suresh Arora)
Chief Information Commissioner,
Punjab.

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Sh. Suresh Kumar Aggarwal,
2585 /2A, Jagat Nagar,
Basti Jodhewal, Ludhiana 141007

.. appellant

Vs

Public Information Officer
o/o Deputy Commissioner,
Ludhiana

First Appellate Authority
o/o Deputy Commissioner
Ludhiana

..Respondents

Appeal Case No. 67 of 2022
(Video Conference Proceedings)

Present:- Sh. Suresh Kumar Aggarwal, appellant
Ms Sandeep Kaur, Sr. Asstt on behalf of the respondents

ORDER

This order may be read with reference to the previous order dated 13.7.2022.

2. The appellant submits that he has already provided the location for which he has sought the information. However, the representative of the respondents submits that the appellant has sent an aerial view of the location from which exact revenue record cannot be traced. She further submits that he can inspect the record and if document will be identified by him the same will be supplied to him. With the mutual understanding the time of inspection has been fixed at 2.00 PM today i.e. 10.8.2022.

3. Accordingly, the respondent-Public Information Officer is directed to ensure that the record concerning the sought information may be made available for the inspection of the appellant and if any documents is identified by him, the same may be supplied duly certified.

4. To come up on 23.8.2022 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Ludhiana.

Dated:10.8.2022

(Suresh Arora)
Chief Information Commissioner,
Punjab.

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Dr. Ramna Singla,
House No 38,
Good Earth Colony,
Patiala.
M : 9463615605

..Appellant

Vs

Public Information Officer,
O/o Punjabi University,
Patiala.

First Appellate Authority
O/o Punjabi University,
Patiala.

....Respondent(s)

Appeal Case No. 3110/2022

Present:- None on behalf of the appellant.
Sh. Vikrant Sharma, Advocate on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 4.8.2022.

2. The appellant is absent but he has sent the request through email vide which he has requested for the short adjournment of the case.

3. Accordingly, the case is adjourned with the directions to the parties to remain present on the next date of hearing along with the original record/information supplied to take the matter to its logical end. The respondents are also directed to send the concerned official with original record, who is well versed with the facts of the case, to assist the counsel of the respondents.

4. To come up on 1.9.2022 at 12.30 PM at Chandigarh.

Dated:10.8.2022

(Suresh Arora)
Chief Information Commissioner,
Punjab.

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Sh. Raj Singh s/o Sh. Inder Singh,
VPO Walle Shah Uthar (Behak),
Tehsil & Distt. Fazilka

....Appellant

Vs

Sh. Lakhbir Singh,
Public Information Officer-cum-
Block Development and Panchayats Officer,
Fazilka.

Sh. Kanwaljit Singh
Public Information Officer-cum-
Block Development and Panchayats Officer,
Fazilka.

First Appellate Authority
o/o Block Development and Panchayats Officer,
Fazilka

....Respondents

Appeal Case No. 2783 of 2021
(Video Conference Proceedings)

Present: None on behalf of the appellant.
Sh. Kanwaljit Singh, Block Development and Panchayats Officer and Sh.
Harpreet Singh, Block Development and Panchayats Officer on behalf
of the respondents.

Order

This order may be read with the reference to the previous order dated
13.7.2022.

2. The respondent-Public Information Officer Sh. Kanwaljit Singh, submits
that he has joined as Block Development and Panchayats Officer , Fazilka in place of
Sh. Harpreet Singh, Block Development and Panchayats Officer. He further submits
that the compensation amounting to Rs.10,000/- (Rupees ten thousands) has already
been paid to the appellant and the remaining amount of compensation in shape of
bank draft amounting to Rs.15,000/- (Rupees fifteen thousands only) is handed over
to the appellant during the course of hearing. Also, a show cause notice was issued
to Sh. Harpreet Singh, Block Development and Panchayats Officer and a reply has
already been received from him, which is taken on record. Sh. Harpreet Singh, Block
Development and Panchayats Officer also tenders unconditional apology and
requested to withdraw the show cause notice issued to him.

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Appeal Case No. 2783 of 2021

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3. Also, a last opportunity was afforded to the appellant to establish the Public Interest involved in seeking the third party information but no submissions have been received from the appellant. One more opportunity is granted to the appellant to establish the public interest involved in seeking the third party information failing which ex-parte decision will be taken, on merit. The decision regarding show cause notice issued to Sh. Harpreet Singh, Block Development and Panchayats Officer will be taken on the next date of hearing.

4. To come up on 25.8.2022 at 12.30 P.M. to be heard through video conference facility available in the office of the Deputy Commissioner, Fazilka/Amritsar.

Dated:10.8.2022

(Suresh Arora)
Chief Information Commissioner,
Punjab.

CC
Financial Commissioner,
Rural Development & Panchayat Deptt., Pb
Punjab Civil Secretariat-2, Sector 9, Chandigarh

Director, (By name)
Rural Dev. & Panchayats Punjab,
Vikas Bhawan, Sector 62, Mohali.

Sh. Lakhbir Singh (M 9592150133)
Education Panchayat Officer,
Rani ka Baag, Verka Block, Amritsar

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Smt. Simmi Salgotra w/o Sh Jagbir Singh M 8556044866

H. No 292, Green Land Phase 2,

Opp. Fortis Hospital, Verka/Majitha Bypass Road,

Amritsar

Appellant

vs

Smt. Rajwinder Kaur, Principal-cum-

Asstt. Public Information Officer,

Govt. Senior Secondary Girls School,

Kathunangal, Distt. Amritsar.

First Appellate Authority,

D.P.I.(SE), Punjab, Mohali

Respondents

Appeal case No. 1579 /2022

Present: Sh. Jagbeer Singh, on behalf of the appellant.

Sh. Amandeep, Clerk(M -9417982637) and Sh. Aakash Sharma, Lecturer
Commerce on behalf of the respondents(at Chandigarh).

ORDER

This order may be read with reference to the previous order dated 19.7.2022

2. The representative of the respondents submits that he has brought the original record for the inspection of the appellant and any information/document identified by her will be supplied duly certified. The appellant has given an authority to Sh. Jagbeer Singh to represent his case, which is taken on record. After the inspection of the record the representative of the appellant submits that he has received the complete information in this case and is satisfied with the same. He further submits that the compensation in this case may be awarded due to harassment caused to the appellant.

3. Ms. Daljinder Kaur, Principal-cum-PIO and Ms. Rajwinder Kaur, APIO are absent but they have sent the written replies regarding show cause notice issued to them vide which they have shown their inability to attend the hearing at Chandigarh due to medical grounds.

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Appeal case No. 1579 /2022

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4. The perusal of the file shows that in this case, application for information was filed on 8.2.2022 but incomplete information has been given to the appellant till date. It is, thus apparent from the response of the respondent-PIO that there has been delay in providing the information. Appellant had also suffered financial loss in getting the information. There are systemic deficiencies in the manner of receiving and disposing of applications. The department still does not appear to be properly tuned to the performance of its obligations enshrined under the RTI Act.

5. Also, the submissions made by the respondent-Public Information Officer that the Hon'ble Apex Court in the matter of Central Board of Secondary Education & Anr Vs Aditya Bandopadhyay & ors (Civil Appeal No. 6454 of 2011) in which it has held that

“The nation does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing information to applicants instead of discharging their regular duties. The threat of penalties under the RTI Act and the pressure of the authorities under the RTI Act should not lead to employees of a public authorities prioritizing “information furnishing”, at the cost of their normal and regular duties”

is not tenable in this case, as the appellant is working in the school of the public authority and she has sought the information related to her own service record.

6. Section 7 of the RTI Act, 2005 provides that

“(1) Subject to the proviso to sub-section (2) of section 5 or the proviso to sub-section (3) of section 6, the Central Public Information Officer or State Public Information Officer, as the case may be, on receipt of a request under section 6 shall, as expeditiously as possible, and in any case within thirty days of the receipt of the request, either provide the information on payment of such fee as may be prescribed or reject the request for any of the reasons specified in sections 8 and 9”

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Appeal case No. 1579 /2022

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7. It is also a fact on record that the appellant sought the information vide her RTI application dated 8.2.2022 but no documentary evidence has been placed on record by the respondent-Public Information Officer that the response/reply has been sent to the appellant within 30 days as per the provisions of the RTI Act, 2005. Also no satisfactory reply has been given by the respondent in this regard, during the hearing.

8. Also, the appellant/her representative came to Chandigarh to attend the hearing twice in person whereas the representative of the respondents submitted that they are on official duty and would be claiming TA/DA.

9. Keeping in view the above, I am of the view that ends of justice would be met by awarding a sum of Rs. 15000/- (Rupees fifteen thousands only) by way of compensation to the appellant. This amount shall be payable from the State Exchequer before the next date of hearing.

10. As the appellant is satisfied with the information after the inspection of record, the case is closed for supply of information in this case. Keeping in view the submissions received from Ms Daljinder Kaur, Principal-cum-Public Information Officer & Smt. Rajwinder Kaur APIO one opportunity is granted to them in the interest of natural justice to remain present on the next date of hearing either in person or through Video Confernce/cisco webex.

11. Accordingly the case is adjourned, for compliance of compensation and the decision regarding show cause notice issued to Ms Daljinder Kaur, Principal-cum-Public Information Officer & Smt. Rajwinder Kaur APIO.

12. To come up on 14.9.2022 at 12.30 P. M. to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Amritsar/Cisco Webex

Dated:10.8.2022

(Suresh Arora)
Chief Information Commissioner,
Punjab.

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CC

D.P.I.(SE) (By Name)

Punjab, Mohali

Ms. Daljinder kaur, Principal-cum-
Public Information Officer,
Govt. Senior Secondary Girls School,
Kathunangal, Distt. Amritsar.