



Sh Yogesh Mahajan S/o Sh Kuldeep Raj  
Mahajan, Opposite Water Tank,  
Municipal Market, Mission road,  
Pathankot.

Appellant

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

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

....Respondent

**Appeal Case No. 1276 of 2020**

**PRESENT: Sh.Yogesh Mahajan as the ppellant**  
**None for the Respondent**

**ORDER:**

The appellant through RTI application dated 06.01.2020 has sought information regarding works undertaken/carried out in Sub Divisions i) Bhagta Phika 2) Mour 3) Bathinda – work order book of all subdivisions – comparative statements for which no tender called, from the office of Executive Engineer, W/S & Sanitation Division No.3, Bathinda. The appellant was not provided with the information after which the appellant filed the first appeal before the First Appellate Authority on 05.02.2020 which took no decision on the appeal.

The case first came up for hearing on 28.09.2020 through video conferencing at DAC Bathinda. The respondent present pleaded that the information has been provided to the appellant vide letter dated 03.03.2020. The appellant was absent and vide email informed that the PIO has not provided the information.

The PIO was directed to resend the information to the appellant within a week with a copy to the Commission.

On the date of the next hearing on 03.11.2020, both the parties were absent. The appellant vide email informed that the PIO has not provided the information. The PIO was directed to comply with the earlier order of the Commission and provide the information to the appellant within a week with a copy to the Commission and explain the reasons for the delay in providing the information.

On the date of the last hearing on **05.01.2021**, both the parties were absent. The case was adjourned.

**Hearing dated 11.08.2021:**

The case has come up for hearing today through video conferencing at DAC Bathinda/Pathankot. As per the appellant, the PIO has not provided the information despite the order of the Commission.

The respondent is absent on the 2<sup>nd</sup> consecutive hearing without any legitimate reasons for the absence nor has complied with the order of the Commission.

**Appeal Case No. 1276 of 2020**

The PIO is given one last opportunity to comply with the earlier order of the Commission which still stands and appear before the Commission on the next date of hearing along with the explanation for not complying with the order of the Commission, otherwise the Commission will be constrained to take action against the PIO under section 20 of the RTI Act.

To come up for further hearing **15.12.2021 11.00 AM** through the video conference facility available in the office of Deputy Commissioner, Bathinda. The appellant to attend a hearing in DAC Pathankot.

**Chandigarh**  
**Dated:11.08.2021**

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



Sh Yogesh Mahajan S/o Sh Kuldeep Raj  
Mahajan, Opposite Water Tank,  
Municipal Market, Mission road,  
Pathankot.

Appellant

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

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

Respondent

**Appeal Case No. 1278 of 2020**

**PRESENT: Sh.Yogesh Mahajan as the Appellant**  
**None for the Respondent**

**ORDER:**

The appellant through RTI application dated 06.01.2020 has sought information regarding grants received/utilized in the division from 07.01.2019 to 06.01.2020 –copies of comparative statements approved by competent authority for works by e-tendering/online – work by tender/offline undertaken – sanction letter issued for work of CSR to all SDE from the office of Executive Engineer, W/S & Sanitation Division No.3, Bathinda. The appellant was not provided with the information after which the appellant filed the first appeal before the First Appellate Authority on 05.02.2020 which took no decision on the appeal.

The case first came up for hearing on 28.09.2020 through video conferencing at DAC Bathinda. The respondent present pleaded that some of the information has been provided to the appellant and the remaining will be sent within a week.

The appellant was absent and vide email informed that the PIO has not provided the information. The PIO was directed to provide complete information to the appellant within a week and send a compliance report to the Commission.

On the date of the next hearing on 03.11.2020, the appellant vide email has informed that the PIO has not provided the complete information. The respondent was absent.

The PIO was directed to comply with the earlier order of the Commission and provide the information to the appellant within a week with a copy to the Commission and explain the reasons for the delay in providing the information.

On the date of the last hearing on 05.01.2021, both the parties were absent. The case was adjourned.

**Hearing dated 11.08.2021:**

The case has come up for hearing today through video conferencing at DAC Bathinda/Pathankot. As per the appellant, the PIO has not provided the information despite the order of the Commission.

The respondent is absent on 2<sup>nd</sup> consecutive hearing without any legitimate reasons for the absence nor has complied with the order of the Commission.

**Appeal Case No. 1278 of 2020**

The PIO is given one last opportunity to comply with the earlier order of the Commission which still stands and appear before the Commission on the next date of hearing along with the explanation for not complying with the order of the Commission otherwise the Commission will be constrained to take action against the PIO under section 20 of the RTI Act.

To come up for further hearing **15.12.2021 At 11.00 AM** through the videoconference facility available in the office of Deputy Commissioner, Bathinda. The appellant to attend the hearing at DAC Pathankot.

**Chandigarh**  
**Dated:11.08.2021**

**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)**  
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Smt. Rupinder Kaur, W/o  
Late Sh. Joginder Singh,  
# C-27, Civil Lines,  
Bathinda.

Complainant

Versus

**Public Information Officer,**  
O/o Commissioner, MC,  
Bathinda.

Respondent

**Complaint Case No. 155 of 2020**

**PRESENT: Smt. Rupinder Kaur as the Appellant**  
**None for the Respondent**

**ORDER:**

The complainant through the RTI application dated 04.10.2019 has sought information regarding details of property No.C-28 MC No.MCB Z-2-09103 Civil Line Bhatinda – map approved for the purpose of residential/commercial/school and other information concerning the office of Commissioner, MC Bhatinda. The complainant was not provided with the information after which the complainant filed a complaint in the Commission on 05.02.2020.

The case first came up for hearing on 03.09.2020 through video conferencing at DAC Bhatinda. The complainant claimed that the PIO had denied the information. The complainant further informed that since a school named Little Kingdom Nursery School is being run in her neighbour, she wants to prove if any permission has been granted by the competent authority.

The respondent was absent. The Commission received an email from the PIO stating that the appellant was asked to specify the file number and date but the complainant did not specify the same. Further, the information sought was in question form.

The PIO had denied the information on two grounds;

- i) Had asked to specify;
- ii) That it is personal information and cannot be provided under section 8(1)

Having gone through the case the Commission found that there is a larger public interest involved in this particular RTI application. As much as I agree that the personal information such as building plans etc. of other parties should not be shared, Section 10 of the RTI Act, however, gives the benefit in cases where there is disclosable and non-disclosable information on the same page.

Given the above, the PIO was directed to provide that part of the information that denotes the purpose of which the map has been sanctioned and severe rest of the information.

On the date of hearing on 03.11.2020, the respondent present pleaded that since the information sought by the appellant is personal information, it cannot be provided. This view of the respondent did not hold merits as the order had already been passed by the Commission to provide the information.

Since there has been an enormous delay in attending to the RTI application, 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 directed to provide the information as per the earlier order of 03.09.2020 within a week from the receipt of this order.

## **Complaint Case No. 155 of 2020**

On the date of the last hearing on **05.01.2021**, the appellant claimed that the PIO has not provided the information. The PIO was absent.

The Commission received a reply from the ATP-cum-PIO, MC Bathinda which was taken on the file of the Commission. In the reply, the PIO has mentioned that since the record relating to the building branch is maintained in accordance with file number and date, the appellant was asked to provide file number and date but the same was not supplied by the appellant. The PIO further mentioned in the reply that they also asked the concerned school to provide their building map, file number and date but the same was not been provided by the concerned school.

The Commission observed that since the information has been sought by the appellant from the PIO-MC Bathinda and the order to provide the information has already been passed by the Commission, the reply of the PIO is wishy-washy as the PIO has put the onus on the school whereas the information has to be provided by the respondent.

The reply of the PIO was found vague and the PIO was directed to provide the information to the appellant as per the order dated 03.09.2020. The PIO was given one last opportunity to file an appropriate reply to the show notice otherwise it would be presumed that the PIO has nothing to say in the matter.

Since the appellant to collect the information had to suffer undue inconvenience, the PIO-MC Bathinda was directed to pay an amount of **Rs.2500/-** via demand draft as compensation to the appellant **and** submit proof of having compensated the appellant.

The PIO was directed to comply with the earlier order of the Commission within ten days of receiving this order. The decision on the show cause notice will be taken at the next date of hearing.

The case was also marked to Commissioner, MC Bathinda to ensure timely compliance of this order.

### **Hearing dated 11.08.2021:**

The case has come up for hearing today through video conferencing at DAC Bathinda. As per the appellant, the PIO has neither provided the information nor any compensation.

The respondent is absent. The commission has received a reply from the PIO on 16.04.2021 which has been taken on the file of the Commission.

In the reply, the PIO has contended that since the record was 17 years old it was not traceable initially and most of the staff who would have had the information on the matter had retired. As per them, they finally could retrieve the record by availing the help of retired staff.

As per the procured record, the map of the building on which little Kingdom School is running was approved for the residential purpose and its file number is 228 dated 14.05.2003. No separate plan exists for running a school.

This reply takes care of the RTI application, however, the PIO has not deposited the compensation amount of Rs.2500 (Rupees Twenty Five hundred) to the appellant

The PIO is directed to pay the compensation before the next date of hearing.

To come up for further hearing on **15.12.2021 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Bhatinda.

**Chandigarh**  
**Dated:11.08.2021**

**Sd/-**  
**(KhushwantSingh)**  
**State InformationCommissioner**

**PUNJAB STATE INFORMATION COMMISSION**  
**Red Cross Building, Near Rose**  
**Garden, Sector 16, Chandigarh.**  
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Sh. Baljinder Singh, S/o Sh. Darshan Singh,  
Daan Singh Nagar, Gali No-1,  
Back Side Guru Nanak Public School,  
Goniana Mandi, Distt. Bathinda.....Appellant  
Versus

**Public Information Officer,**  
O/o EO, MC, Goniana Mandi  
Distt. Bathinda.

**First Appellate Authority, O/o Joint**  
Deputy Director, Local Govt,  
Mini Secretariat, Bathinda. ....Respondent

**Appeal Case No. 538 of 2020**

**PRESENT: Sh. Baljinder Singh as Appellant**  
**Sh. Tarun Kumar, EO-MC Goniana Mandi for the Respondent**

**ORDER:**

The appellant RTI application dated 29.10.2019 has sought information regarding details of clerks promoted from the post of peon and the documents submitted by them in NC Goniana Mandi and other information concerning the office of EO-MC Goniana Mandi. The appellant was provided with the information after which the appellant filed the first appeal before the First Appellate Authority on 02.12.2019. After the first appeal, the PIO sent a reply to the appellant vide letter dated 31.12.2019 stating that the information sought is in question form, it cannot be provided. The First appellate authority also disposed of the appeal on 03.01.2020 directing the PIO to provide the information as per the RTI Act and within time.

On the date of the first hearing on 03.09.2020, the PIO was absent. Sh. Subhash Chander, Clerk representing the PIO appeared and pleaded that the information has been supplied to the appellant on 02.07.2020 with a copy to the Commission. The respondent further informed that Sh. Sita Ram and Sh. Subhash Chander was promoted as a clerk from the post of peon and the documents submitted by them to the office had been supplied to the appellant.

The appellant claimed that the information had been provided with a delay of more than ten months.

Having gone through the record, the Commission observed that the PIO had earlier denied the information and provided the sought information only after receiving the notice of the Commission. The denial of information was sent by the PIO on 31.12.2019. The First Appellate, while disposing of the appeal passed no instruction except an observation that the PIO should attend the RTI applications in the true spirit of the RTI Act, and attend future hearings in person.

That having gone through the facts of the case, it was observed that the PIO had tried to stonewall the information and the intention of the PIO was pointing towards not providing the information.

Given the facts, the PIO-cum-EO MC Goniana Mandi was issued a **show-cause notice under Section 20 of the RTI Act 2005 and directed to file a reply on an affidavit.**

On the date of the hearing on 03.11.2020, the PIO was absent nor had a filed reply to the show-cause notice. The PIO was given one more opportunity to file a reply to the show-cause notice. In case of failure to file it, it was observed that the commission would presume that the PIO had nothing to say in the matter and take action accordingly.

On the date of the last hearing on 05.01.2021, the PIO was absent on 3<sup>rd</sup> consecutive hearing nor had complied with the order of the Commission.

To secure an erring PIO's presence before the commission aailable warrant of the **EO-cum-PIO, MC Goniana Mandi was** issued u/s 18(3) of the RTI Act through Senior Superintendent of Police, Bathinda for his presence before the Commission on **26.04.2021** which date was postponed to **11.08.2021**.

**Hearing dated 11.08.2021:**

The case has come up for hearing today through video conferencing at DAC Bathinda. Sh.Tarun Kumar, EO-NC Goniana Mandi is present and informed that the information has already been provided to the appellant on 02.07.2020. The PIO has sent his reply which has been taken on the file of the Commission.

In the reply, the respondent has mentioned that the delay in providing the information has occurred on the part of Sh.Vijay Kumar who was the EO-cum-PIO at the time of filing of RTI application and remained till 08.03.2020 and thereafter he was given an additional charge of EO-cum-PIO MC Goniana Mandi. Sh.Vijay Kumar is presently posted as EO-NC Budhlada.

The respondent has further informed that when he was given the additional charge of EO-NC Goniana, he was posted in Bhucho Mandi and having an additional charge of NC Bhucho Mandi, NC Nakhana & NC Lehira. He is presently posted in Talwandi Bhai and having an additional charge of EO-NC Goniana. Further after taking charge as EO NC Goniana on 09.03.2020, the Central Govt. had declared lockdown w.e.f.20.03.2020 in the country as well as in the States due to Corona Epidemic and thereafter restrictions were imposed in the office working with 50% staff strength. After relaxation in the lockdown, the RTI application came to his notice and information was provided on 02.07.2020.

Since Sh.Vijay Kumar was the PIO-cum-EO NC Goniana at the time of filing of RTI application as well as the PIO for at least the next 100 days, Sh.Vijay Kumar, EO-NC Budhlada(Earlier PIO-NC Goniana Mandi) is directed to **show cause why penalty be not imposed on him under Section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time.** He/she should file an affidavit in this regard. If there are other persons responsible for the delay in providing the information, the PIO is directed to inform such persons of the show cause and direct them to appear before the Commission along with the written replies.

To come up further hearing on **15.12.2021 at 11.00 PM** through video conference facility available in the office of Deputy Commissioner, Bathinda.

**Sd/-**

**Chandigarh**  
**Dated:11.08.2021**

**(Khushwant Singh)**  
**State Information Commissioner**



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Sh. Yogesh Mahajan, S/o Sh. Kuldeep Raj Mahajan,  
Opposite Water Tank, Municipal Market,  
Mission Road, Pathankot.

... Appellant

Versus

**Public Information Officer,**  
O/o XEN,  
Water Supply and Sanitation,  
Sub Division-1, Gurdaspur.

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

.....Respondent

**Appeal Case No. 3488 of 2020**

**PRESENT: Sh.Yogesh Mahajan as the Appellant**  
**None for the Respondent**

**ORDER:**

The appellant through RTI application dated 17.08.2020 has sought information regarding grants received/utilized from 01.08.2019 to 01.08.2020 in Sub Division No.1,2& 3 Gurdaspur and Sub Division Dinanagar – copies of work order booked in all the subdivisions – copies of comparative statements of other works for which no tender was called and other information as enumerated in the RTI application concerning the office of Xen Water Supply & Sanitation Division No.1, Gurdaspur. The appellant was not provided with the information after which the appellant filed the first appeal before the First Appellate Authority on 10.09.2020 which took no decision on the appeal.

The case has come up for hearing today through video conferencing at DAC Pathankot. As per the appellant, the PIO has not provided the information but has only sent a reply vide letter dated 07.05.2021 that since there has been lockdown order u/s 144 of CPC and restrictions imposed to work with 50% staff strength w.e.f. 02.05.2021, the information will be provided after the relaxation of the above-said restrictions. The respondent is absent.

The Commission observes that there has been an enormous delay of one year in attending to the RTI application. The Commission has taken a serious view of this and hereby directs the PIO to provide the information to the appellant and send a compliance report to the Commission otherwise the commission will be constrained to take action against the PIO u/s 20 of the RTI Act.

To come up for further hearing on **15.12.2021** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Pathankot.

**Sd/-**

Chandigarh  
Dated:11.08.2021

(Khushwant Singh)  
State Information Commissioner



Smt Tarsem Devi, W/o Late Sh Vakil Singh, R/o  
Villgae Lahri 183, P.O Rattangarh,  
Tehsli & Distt Pathankot.

... Appellant

Versus

**Public Information Officer,**  
O/o Child Development Project Officer,  
Pathankot.

**First Appellate Authority,**  
O/o Child Development Project Office,  
Pathankot.

.....Respondent

**Appeal Case No. 3541 of 2020**

**PRESENT: Sh.Sulakhan Singh, Advocate for the Appellant**  
**Smt.Parveen Kumari for the Respondent**

**ORDER:**

The appellant through RTI application dated 15.07.2020 has sought information regarding a copy of the APR/document where a report of Sarpanch or other officers regarding non-acceptance of old aged Pension by Tarsem Devi is recorded – copy of the order for stoppage of pension and other information as enumerated in the RTI application concerning the office of Child Development Project Officer, Pathankot.. The appellant was not satisfied with the reply of the PIO dated 17.09.2020 after which the appellant filed the first appeal before the First Appellate Authority on 07.09.2020 which took no decision on the appeal.

The case has come up for hearing today through video conferencing at DAC Pathankot.. As per counsel representing the appellant, the PIO has not provided the information.

The respondent present pleaded that the matter regarding deduction/discontinuation of old aged pension relates to District Social Security Officer Gurdaspur.

The PIO-District Social Security Officer, Gurdaspur is impleaded in the case and directed to provide the information to the appellant. A copy of the RTI application is being attached with the order for the reference of the PIO-DSSO Gurdaspur.

To come up for further hearing on **15.12.2021** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Pathankot.

Chandigarh  
Dated:11.08.2021

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

**CC to: PIO-District Social Security Officer,**  
**Gurdaspur.**

**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)**  
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Smt. Gurmeet Kaur Kwatra,  
Res Cum Off, E-457, Ground Floor,  
Greater Kailash-2, New Delhi.

... Appellant

Versus

**Public Information Officer,**  
O/o District Civil Hospital,  
Pathankot.

**First Appellate Authority,**  
O/o Civil Surgeon,  
Pathankot.

.....Respondent

**Appeal Case No. 3563 of 2020**

**PRESENT: Smt.Gurmeet Kaur as the Appellant on Whatsapp**  
**None for the Respondent**

**ORDER:**

The appellant through RTI application dated 12.09.2019 has sought information regarding old/existing/new temporary/contractual employees along with ID proofs, salary details and attendance register – appointing authority –list of employees employed in last 7 years - details of safai tender – security guards – funds allocated by State Govt. to de-addiction centre – list of patients admitted – quantity of medicine namely Buperophine that came to the de-addiction centre and other information as enumerated in the RTI application concerning the office of District Civil Hospital, Pathankot. The appellant was not provided with the information after which the appellant filed the first appeal before the First Appellate Authority on 27.11.2019 which took no decision on the appeal.

The case has come up for hearing today through video conferencing at DAC Pathankot. The appellant is present on WhatsApp and claims that the PIO has not provided the information.

The respondent is absent without any legitimate reasons for the absence nor has sent any reply to the RTI application.

During the hearing, the appellant conveyed being interested only in the information relating to points 6,7,8,9 & 10.

The PIO is directed to provide complete information on points 6,7,8,9 & 10 of the RTI application to the appellant and send a compliance report to the Commission.

Also having gone through the facts of the case, the Commission observes that there has been an enormous delay in attending to the RTI application. The Commission has taken a serious view of this and hereby directs the PIO to **show cause why penalty be not imposed on him under Section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time.** He/she should file an affidavit in this regard. If there are other persons responsible for the delay in providing the information, the PIO is directed to inform such persons of the show cause and direct them to appear before the Commission along with the written replies.

**Appeal Case No. 3563 of 2020**

The PIO is further directed to send details regarding:

- Who was the PIO at the time of filing of RTI application and till what duration?
- Who was the PIO at the time of filing the first appeal?
- Who was the PIO at the time of issue of notice from the Commission?
- Who is the current PIO?

To come up for further hearing on **15.12.2021** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Pathankot.

Chandigarh  
Dated:11.08.2021

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