



Sh. Karan Singh, S/o Sh. Shyam Singh,
79, High Land Society,
Baltana, Zirakpur.

...Appellant

Versus

Public Information Officer, State
Transport Commissioner, Sector-17,
Chandigarh.

First Appellate Authority,
State Transport Commissioner,
Sector-17, Chandigarh.

.Respondent

Appeal Case No. 1751 of 2018

Present: None for the Appellant
Sh. Kuljeet Katoch, Automobile Engineer and Sh. Gurbax Singh, APIO-STC
for the Respondent

ORDER: This order should be read in continuation to the earlier order.

The appellant through an application dated 23.01.2018 has sought information from the PIO, Punjab State Transport Commissioner about the government vehicles attached with former Punjab Minister Sh. Vikram Majithia (to be read as Bikram) from the period April 2008 to April 2011 and the name of official/officials under whom a car no PB-31-E-0203 (Toyota Camry) was attached from December 2011 to December 2012.

Through the same RTI, the appellant has asked that the above-mentioned information should be provided month-wise, with month-wise expenses of each of the attached vehicles, the per month distance covered by each vehicle (start and end reading of the odometer), details of drivers of each of the attached vehicles. The appellant has asked that the information provided be certified.

The appellant was not provided with the information within the stipulated time after which he filed a first appeal with the first appellate authority, (6.3.18) which also took no notice of the appeal. Aggrieved at not being provided with the information the appellant filed a second appeal with the Punjab State Information Commission on 10.05.2018. In the appeal, the appellant had petitioned for the information, as well as appropriate action against the PIO in accordance with the RTI Act for the delay in tending to his RTI application.

The case came up for hearing on 29.08.2018, 17.10.2018, 22.01.2019, 24.04.2019, 12.06.2019, 06.08.2019, 29.11.2019, 04.03.2020, 05.08.2020, 02.09.2020, 18.11.2020, 05.01.2021 and last on 18.01.2021.

At the hearing on 24.04.2019, the respondent brought the information and handed it over to the appellant. The appellant wanted to go through the information to point out the discrepancies.

On the date of hearing on 12.06.2019, under the powers vested in this section, and for the sake of bringing transparency in the manner fuel expenses are incurred on official vehicles of the Punjab ministers, the Commission directed the Transport Department, Punjab to proactively publish and upload the information available under its custody regarding monthly fuel expenses, kilometres, travelled of all the ministers of Punjab, in the format in which they are maintained by the public authority, subject to the proviso of the exemptions to be applicable to the vehicles used by the security wing as notified by the Govt. under section 24 of the RTI Act.

This information was to be loaded from 1st of January 2012 onwards to the present, with a provision to upgrade it every quarterly. The department could take cue from PMO's website where the PMO has proactively disclosed expenditures incurred on the Prime Minister's various foreign visits (<https://www.pmindia.gov.in/en/details-of-foreigndomestic-visits/0>)

Keeping in view the complexity to implement this order, the Commission directed the Transport Department to prepare a roadmap and submit it at the next date of hearing for this order to be implemented in earnestness.

At the hearing on **29.11.2019**, the respondent PIO-STC, Punjab brought a reply in which they stated that the appellant had inspected the record on 05.09.2019. The appellant who was absent at the hearing turned up late and informed that he is yet to receive the information that he had detailed during the inspection.

The order of the Commission was in two parts. The first part of the order was regarding the logbooks, which had been settled as the appellant had inspected the record and the department was to send the detailed information to the appellant, which the department was directed to send within 10 days.

The second part of the order to the Transport Department was to proactively publish and upload the information available under its custody regarding monthly fuel expenses, kilometres, travelled of all the ministers of Punjab, in the format in which they are maintained by the public authority, subject to the proviso of the exemptions to be applicable to the vehicles used by the security wing as notified by the Govt. under section 24 of the RTI Act. The information was to be uploaded from 1st of January 2012 onwards to the present, with a provision to upgrade it every quarterly.

The department was ordered to provide a roadmap, which it failed to provide in the last two hearings. The Commission directed the State Transport Commissioner to ensure compliance of the order before the next date of hearing.

On the date of hearing on **04.03.2020**, the respondent present informed that the complete information had been provided to the appellant and the appellant had acknowledged having received the information on 14.02.2020. The respondent submitted a copy of the acknowledgement of the appellant. Regarding part-2 of the information, the respondent submitted a reply, which was taken on the file of the Commission for consideration.

The appellant was absent. The case was adjourned.

On the date of hearing on **05.08.2020**, the respondent was present. The appellant was absent. The case was adjourned.

On the date of the last hearing on **02.09.2020**, the respondent PIO was present. The appellant was absent.

The hearing was done to consider the reply of the PIO of the State Transport Department citing reasons for not implementing part B of this bench's order of 12.06.2019. Part A of the order was implemented earlier and was no longer a matter of consideration of this bench.

Part B of the order was reproduced. In the latest communication dated 03.02.2020 the PIO in the office of the State Transport Commissioner, Punjab had endorsed a copy to the commission of the reply sent to the appellant. It enclosed a copy of the opinion procured by the respondent from their law officer. It was also reproduced.

Having gone through the reply of the PIO and the legal opinion of their law officer, which had been accepted by the respondent as an argument to escape the directions passed by the Commission, it was made clear to the respondent that the very denial to implement the

order is a contempt of the order of the Punjab State Information Commission since the
Appeal Case No. 1751 of 2018

commission had clearly asked for the order to implemented and not sought reasons whether this order can be implemented or not.

Further, the commission found; "that the legal opinion is totally off the mark and does not even tangentially consider upon the spirit and provisions under which the commission has passed the directions. The order has been passed by the commission suo-moto by invoking the powers vested in Section 19/8 of the RTI Act to ensure the disclosures under section 4 of the Act to promote transparency and accountability in public life. The information by no stretch of imagination attracts exemptions as envisaged in Sections 8 & 9 of the Act. The law officer has needlessly dragged it into the discussion.

The vital issue is as to whether the information pertains to a public authority which, has been taken out of the ambit of Act under section 24 or not? The fact is that the repository of information is the office of the State Transport Commissioner, which is not a security or an intelligence agency and cannot escape the obligations set forth in the RTI Act. The said information clearly does not pertain to the record prepared, maintained and held by the Intelligence wing, Armed Police, Commando & IRB, Security Wing etc. under the Department of Home Affairs and Justice but that which is held by the Punjab Transport Department."

The logical corollary is that the legal opinion taken by the department is of no avail and was rejected accordingly."

The respondent was directed to ensure the compliance of the directions passed earlier, else face penal consequences. Principal Secretary, Transport Department, Punjab and State Transport Commissioner were hereby directed to ensure the compliance of this order.

On the date of the hearing on **18.11.2020**, the respondent was present and had sought adjournment. The appellant was absent. The case was adjourned.

On the date of the last hearing on **05.01.2021**, Sh. Gurpal Singh, APIO-STC was present. The case was adjourned.

Hearing dated 11.08.2021:

The appellant is absent.

The respondent present has submitted a report as to how the State Transport Department intends to implement the order of the Commission dated 12.06.2019

As per the report submitted, a full record of fuel bills of all the vehicles (from March 2018 onwards) under the State Transport Department can be seen online.

As per the respondent, the department has on their VMS portal <http://vms.punjab.gov.in> created a guest user ID and uploaded all the data related to the billing of Punjab Govt. vehicles from the date of functioning of the portal as per record available with the office of State Transport Commission, Pb. As per them, the data is available to the public from the 'Guest Login' which can be accessed in the following way.

Click on <http://vms.punjab.gov.in>

Click on Guest Login and follow the procedure.

Since the process of complying with the order has begun, I see no further reason to keep this case open..

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

Chandigarh
Dated:11.08.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to: Principal Secretary, Deptt.of Transport, PbChandigarh.

PUNJAB STATE INFORMATION COMMISSION

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

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Sh. Satpal Goyal,
H No 102, Model Town,
Phase-1, Bathinda.

...Appellant

Versus

Public Information Officer,
O/o EO, BDA,
Bathinda.

First Appellate Authority,
O/o Addl, Chief Administrator,
BDA, Bathinda.

.....Respondent

Appeal Case No. 2102 of 2019

PRESENT: Sh. Satpal Goyal as the Appellant
None for the Respondent

ORDER:

The appellant through RTI application dated 18.12.2017 has sought information on 8 points regarding enhancement of cost of the plots in phase-1 Urban Estate Bhatinda and other information concerning the office of EO BDA Bhatinda. The appellant was not satisfied with the reply of the PIO dated 06.02.2019 vide which the PIO asked the appellant to specify the khasra number after which the appellant filed a first appeal before the First Appellate Authority on 19.03.2019 which took no decision on the appeal.

The case was first heard on 22.10.2019. The appellant claimed that the PIO has not provided the information. The respondent was absent. The PIO was directed to provide the information to the appellant as per RTI Act within 15 days and send a compliance report to the Commission. The PIO was also directed to explain the reasons for not attending to the RTI application within the time prescribed under the RTI Act.

The case was again heard on **23.12.2019**. The appellant informed that the PIO has not provided the information. The respondent was absent on 2nd consecutive hearing. 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 again directed to provide the information to the appellant within 10 days of the receipt of this order.

The case was again heard on **16.06.2020** through video conferencing at DAC Bhatinda. Ms. Saloni, clerk O/o EO-BDA appeared on behalf of the PIO and pleaded that the information has been provided to the appellant vide letter dated 10.01.2020. The appellant was not satisfied and stated that the information is incomplete. Having gone through the RTI application and hearing both the parties, the following was concluded:

- Point-1 - To relook and reply appropriately – if the information is not available, to give in writing that no other reward is available.
- Point-2 - Provided during the hearing
- Point-3 - Provided
- Point-4 - PIO to relook and send a complete reply
- Point-5 - Provided

The respondent did not bring a reply to the show-cause notice. The PIO was absent. The respondent pleaded that when the RTI was filed, Sh.Amarjit Singh was the PIO who has since retired.

However, the Commission was of the view that the appellant had to suffer undue inconvenience to get the information, the PIO was directed to pay an amount of **Rs.5000/-** via demand draft as compensation to the appellant and submit proof of having compensated the appellant. The PIO was also directed to provide the remaining information to the appellant within 10days.

On the date of the hearing on **03.09.2020**, the appellant claimed that the PIO neither provided the complete information nor had paid the compensation amount as per the order of the Commission. The respondent was absent nor had sent any reply to the show-cause notice.

The present PIO-cum-EO, BDA was again absent nor had complied with the order of the Commission. The present PIO-EO, BDA was issued show-cause **notice under Section 20 of the RTI Act 2005 for not complying with the order of the Commission and directed to file a reply on an affidavit.**

On the date of the hearing on 03.11.2020, the appellant claimed that the PIO has not provided the remaining information nor has paid the compensation amount as per the order of the Commission.

The respondent was absent nor had sent any reply to the show cause notice issued on 03.09.2020. As per information from the BDA through email and in appeal case No.2018 of 2019, Sh.Udaydeep Singh Sidhu, PCS was the EO-cum-PIO for the period from Jan.2019 to July,2019 and Sh.Vinod Bansal, PCS from 1.10.2019 to Dec.2019 and presently Sh.Amrinder Singh Tiwana, PCS was the PIO from 29.07.2020 to till date. As per information, Sh.Vinod Kumar Bansal was to retire on 30.09.2020. However, there was no information on who was the PIO when the RTI application was filed.

From the above, it was clear that Sh.Amrinder Singh Tiwana was the PIO when the last show cause was issued on 03.09.2020. However, the PIO was again absent nor had sent any reply to the show-cause notice.

Sh.Amrinder Singh Tiwana, PIO-BDA Bathinda was given one last opportunity to file a reply to the show cause notice otherwise it will be presumed that the PIO has nothing to say in the matter and the Commission will act as per provisions of the RTI Act against the PIO.

On the date of the last hearing on **05.01.2021**, as per the respondent, the compensation amount of Rs.5000/- had been paid to the appellant and the appellant had received the same. However, as per the appellant, the information was incomplete.

The Commission also received an affidavit from Ms.Harjot Kaur, PIO-cum-EO BDA which was taken on the file. The Commission a copy of reply of Sh.Amrinder Singh Tiwana, PIO-BDA reply which was not in a proper format. Sh.Amrinder Singh Tiwana, PIO was given one last opportunity to submit a reply on an affidavit and in a proper form.

It was also observed that the appellant is continuously showing dissatisfaction with the information that has been provided. In the interest of justice, the PIO was directed to call the appellant in the office and resolve the matter and provide the information whatever available on record. And for the information that is not available, the PIO was directed to provide an affidavit.

Hearing dated 11.08.2021:

The case has come up for hearing today through video conferencing at DAC Bathinda. The respondent is absent. The commission has received a letter from the PIO on 06.07.2021 stating that in compliance with the order of the Commission, the information as well as compensation amount of Rs.5000/- has been provided to the appellant. Further, an affidavit (that the information as available as per office record has been provided and no other information is available on record) has also been provided to the appellant.

The appellant claims that he has not received the affidavit.

The PIO is directed to resend the affidavit to the appellant that the information that has been provided is true, complete and no further information is available relating to this RTI application. A copy of the same be sent to the commission.

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

Chandigarh
Dated:11.08.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

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Garden, Sector 16, Chandigarh.

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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-1, Bathinda.

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

Respondent

Appeal Case No. 1268 of 2020

PRESENT: Sh.Yogesh Mahajan as the Appellant
Sh.Parminder Singh O/o Water Supply-Div.I for the Respondent

ORDER:

The appellant through RTI application dated 07.01.2020 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.1, 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 appellant was absent and vide email informed that the PIO has not provided the information.

The respondent present asked for a week's time to provide the complete information. The PIO was directed to provide the information to the appellant within a week and send a compliance report to the Commission.

On the date of the last hearing on 03.11.2020, the appellant vide email informed that the PIO has not provided the information.

On the hearing on 28.09.2019, Sh. Manpreet Singh, Xen Division No.1 appeared and sought a week's time to provide the complete information. The PIO was directed to provide the information within a week and send a compliance report to the Commission.

The PIO was again absent nor had complied with the earlier order of the Commission. The respondent present asked for some more time to provide the information. The Commission saw this act of asking for continuous adjournments as a delay in providing information by the PIO.

The PIO was issued a **show-cause notice under Section 20 of the RTI Act 2005 and directed to file reply on an affidavit.** The PIO was again directed to provide information within 10 days of the receipt of this order.

On the date of the last hearing on **05.01.2021**, the appellant vide letter dated 26.12.2020 received in the Commission on 31.12.2020 informed that the PIO has not provided the information.

The respondent present pleaded that the information has been sent to the appellant vide letter dated 01.01.2021.

The information had been provided. However, the PIO did not file a reply to the show-cause notice. The PIO was given one last opportunity to file a reply to the show-cause notice otherwise it will be presumed that the PIO has nothing to say in the matter.

Hearing dated 11.08.2021:

The case has come up hearing today through video conferencing at DAC, Bathinda. As per the respondent, the information has been provided to the appellant. The appellant has received the information and is satisfied.

The PIO has sent a reply to the show-cause notice which has been taken on the file of the Commission. In the reply, the PIO has stated that the delay has occurred due to imposing lockdown/curfew in the State due to the prevailing pandemic of Coronavirus as well as due to instructions imposed by the State Govt for working in the offices with 50% restricted staff.

I accept the plea of the PIO and drop the show cause.

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

Chandigarh
Dated 11.08.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sector 16, Chandigarh.

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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 SDE,
Water Supply and Sanitation, Sub Division-2, Pathankot.

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

..... Respondent

Appeal Case No. 3474 of 2020

PRESENT: Sh.Yogesh Mahajan as the Appellant
Sh.Rahul Rana SDO for the Respondent

ORDER:

The appellant through RTI application dated 01.08.2020 has sought information regarding works undertaken in the division from 01.08.2019 to 01.08.2020 – work order booked - copies of sport quotation work in the division and other information as enumerated in the RTI application concerning the office of Xen Water Supply and Sanitation Division No.2, Pathankot.. The appellant was not provided the information after which the appellant filed 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 respondent, the information has been provided.

The appellant has received the information and is satisfied.

Since the information has been provided, no further course of action is required. The case is **disposed of and closed.**

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-2, Pathankot.

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

.....Respondent

Appeal Case No. 3482 of 2020

PRESENT: Sh.Yogesh Mahajan as the
Appellant Sh.Rahul Rana SDO
for the Respondent

ORDER:

The appellant through RTI application dated 01.08.2020 has sought information regarding No. of estimates got done in the division from 01.08.2019 to 01.08.2020 – attested copies of comparative statements for the works by e-tendering – statements for the works by tender work – sanction letters issued for work of CSR to all SDE and other information as enumerated in the RTI application concerning the office of Xen Water Supply and Sanitation Division No.2, Pathankot.. The appellant was not provided the information after which the appellant filed 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 respondent, the information has been provided.

The appellant has received the information and is satisfied.

Since the information has been provided, no further course of action is required. The case is **disposed of and closed.**

Chandigarh
Dated:11.08.2021

Sd/-
(Khushwant Singh)
State Information Commissioner