

PUNJAB STATE INFORMATION COMMISSION

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

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Smt. Kamaldeep Kaur,
9872139640
VPO Gumtala,
Opp. Govt. Dispensary,
Ward No. 5, Amritsar

....Appellant

vs

Public Information Officer
o/o Deputy Commissioner,
District Amritsar

First Appellate Authority
o/o Deputy Commissioner
District Amritsar

....Respondents

Appeal Case No. 4047 of 2020
(Video Conference Proceedings)

Present:- Smt. Kamaldeep Kaur, appellant.
Sh. Rattanjit Singh, Tehsildar 9646102666 on behalf of the respondents.

ORDER

The RTI application is dated 3.9.2020 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 8.10.2020 and second appeal was filed in the Commission on 15.12.2020 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 appellant states that no information has been provided by the respondents so far. However, the respondent-Public Information Officer states that the sought information cannot be supplied under the RTI Act, 2005 as the Government has made the separate provisions to procure the same. He further states that the appellant may apply to the respective Farad Kendra/Sub Registrar/Patwari concerned to seek the information.

3. After deliberations it is appropriate to mention the judgment of the Supreme Court of India in Civil Appeal No. 5665 of 2014 – Institute of Companies Secretaries of India Vs Paras Jain and the relevant portion of the same is reproduced below:-

“12. Be that as it may, Guideline no.3 of the appellant does not take away from Rule 4, The Right to Information (Regulation of Fees and Cost) Rules, 2005 which also entitles the candidates to seek inspection and certified copies of their answer scripts. In our opinion, the existence of these two avenues is not mutually exclusive and it is up to the candidate to choose either of the routes. Thus, if a candidate seeks information under the provisions of the Right to Information, then payment has to be sought under the Rules therein, however, if the information is sought under the Guidelines of the appellant, then the appellant is at liberty to charge the candidates as per its guidelines.”

4. Accordingly, the respondent-Public Information Officer is directed to supply the information as has been sought by the appellant as available in his office. He is also advised

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Appeal Case No. 4047 of 2020

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that in case the information is not available in his office then the relevant point of the RTI application be transferred to the concerned Public Information Officer but not to more than one Public Information Officer.

5. To come up on 19.3.2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, District Amritsar/cisco webex.

sd

Dated: 11.2.2021

(Suresh Arora)

Chief Information Commissioner,
Punjab.

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Smt. Kamaldeep Kaur,
9872139640
VPO Guntala,
Opp. Govt. Dispensary,
Ward No. 5, Amritsar

....Appellant

vs

Public Information Officer
o/o Deputy Commissioner,
District Amritsar

First Appellate Authority
o/o Deputy Commissioner
District Amritsar

....Respondents

Appeal Case No. 4033 of 2020
(Video Conference Proceedings)

Present:- Smt. Kamaldeep Kaur, appellant.
Sh. Rattanjit Singh, Tehsildar 9646102666 on behalf of the respondents.

ORDER

The RTI application is dated 3.9.2020 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 8.10.2020 and second appeal was filed in the Commission on 15.12.2020 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 appellant states that no information has been provided by the respondents so far. However, the respondent-Public Information Officer states that the sought information cannot be supplied under the RTI Act, 2005 as the Government has made the separate provisions to procure the same. He further states that the appellant may apply to the respective Farad Kendra/Sub Registrar/Patwari concerned to seek the information.

3. After deliberations it is appropriate to mention the judgment of the Supreme Court of India in Civil Appeal No. 5665 of 2014 – Institute of Companies Secretaries of India Vs Paras Jain and the relevant portion of the same is reproduced below:-

“12. Be that as it may, Guideline no.3 of the appellant does not take away from Rule 4, The Right to Information (Regulation of Fees and Cost) Rules, 2005 which also entitles the candidates to seek inspection and certified copies of their answer scripts. In our opinion, the existence of these two avenues is not mutually exclusive and it is up to the candidate to choose either of the routes. Thus, if a candidate seeks information under the provisions of the Right to Information, then payment has to be sought under the Rules therein, however, if the information is sought under the Guidelines of the appellant, then the appellant is at liberty to charge the candidates as per its guidelines.”

4. Accordingly, the respondent-Public Information Officer is directed to supply the information as has been sought by the appellant as available in his office. He is also advised

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Appeal Case No. 4033 of 2020

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that in case the information is not available in his office then the relevant point of the RTI application be transferred to the concerned Public Information Officer but not to more than one Public Information Officer.

5. To come up on 19.3.2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, District Amritsar/cisco webex.

sd

Dated: 11.2.2021

(Suresh Arora)

Chief Information Commissioner,
Punjab.

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Sh. Jasbir Singh, 9888296107
Guru Nanak Nagar,
Village Bholapur Jabhewal,
PO Ramgarh,
District Ludhiana

....Appellant

Vs

Public Information Officer
o/o Minister
Health and Family Welfare,
Government of Punjab,
Punjab Civil Secretariat-1,
Chandigarh.

First Appellate Authority
o/o Minister
Health and Family Welfare,
Government of Punjab,
Punjab Civil Secretariat-1,
Chandigarh.

....Respondents

Appeal Case No. 4013 of 2020
(Video Conference Proceedings)

Present:- None on behalf of the parties.

ORDER

The RTI application is dated 25.8.2020 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 30.9.2020 and second appeal was filed in the Commission on 14.12.2020 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. A request has been received from the appellant through email and submitted that he is unable to attend the hearing. Since both the parties are not present, therefore, the case is adjourned with the direction to the respondent-Public Information Officer to file the reply/supply the information to the appellant before the next date of hearing under intimation to the Commission.

3. To come up on 12.4.2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, District Ludhiana/cisco webex.

Dated: 11.2.2021

sd
(Suresh Arora)
Chief Information Commissioner,
Punjab.

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Sh. Gurbachan Singh 6280003287

s/o Sh. Resham Singh

Village Asal Block,

Tehsil & District Ferozepur.

....Appellant

Vs

Public Information Officer

o/o District Development and Panchayats Officer,
Ferozepur.

First Appellate Authority

o/o Director,

Rural Development & Panchayat Deptt., Pb.,

Vikas Bhawan, Sector 62,

Mohali

....Respondents

Appeal Case No. 3305 of 2020
(Video Conference Proceedings)

Present:- Sh. Gurbachan Singh, appellant.

Sh. Ashwani Kumar, Panchayat Officer _____ on behalf of the
respondents.

ORDER

The RTI application is dated 23.6.2020 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 6.9.2020 and second appeal was filed in the Commission on 29.10.2020 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 respondent states that he has brought the information along with him pertaining to the RTI application of the appellant and he handed over the same to the appellant. After going through the same, the appellant states that respondents have supplied the information i.e. the receipt and expenditure except where the pipe has been installed with these funds as has been sought. Thereafter, the representative of the respondents states that the remaining information will be supplied to the appellant before the next date of hearing.

3. Accordingly, the respondent-Public Information Officer is directed to file the reply/supply the remaining information before the next date of hearing to the appellant with a copy to the Commission as per the assurance given by him failing which the penalty provisions will be invoked.

4. To come up on 19.3.2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Ferozepur/Cisco Webex 913122670.

Dated: 11.2.2021

Sd/
(Suresh Arora)
Chief Information Commissioner,
Punjab.

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Sh. Ramesh Kumar s/o Sukheev Singh
7015576550
Village Bhullar,
Tehsil Munak,
Sangrur.

....Appellant

Vs

Public Information Officer
o/o District Development and Panchayats Officer,
Sangrur

First Appellate Authority
o/o Addl. Deputy Commissioner (Dev.),
Sangrur

....Respondents

Appeal Case No. 3307 of 2020
(Video Conference/Cisco Webex Proceedings)

Present:- Sh. Ramesh Kumar, through cisco webex.
Sh. Gurjit Singh, Panchayat Secretary _____ on behalf of the
respondents.

ORDER

The RTI application is dated 11.7.2020 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 25.8.2020 and second appeal was filed in the Commission on 29.10.2020 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 requested for the adjournment of the case and assured that the complete information will be supplied to the appellant before the next date of hearing. Also District Development and Panchayats Officer has written a letter bearing number 531 dated 81 2021 which is taken on record vide which the Block Development and Panchayats Officer has been directed to supply the information. Accordingly the Public Information Officer o/o Block Development and Panchayats Officer is also impleaded as necessary party in this case with the direction to ensure that the complete information be supplied to the appellant before the next date of hearing.

3. Accordingly, the case is adjourned, to come up on 22.3.2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Sangrur.

Dated: 11.2.2021

Sd/
(Suresh Arora)
Chief Information Commissioner,
Punjab.

PUNJAB STATE INFORMATION COMMISSION

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Sh. Shingara Singh 9815719750
Village Rauwal, PO Kadarwala,
District Moga.

....Appellant

Vs

Public Information Officer
o/o Punjab State Information Commission,
Red Cross Complex,
Sector 16, Madhya Marg,
Chandigarh.

First Appellate Authority
o/o o/o Punjab State Information Commission,
Red Cross Complex,
Sector 16, Madhya Marg,
Chandigarh.

Appeal Case No. 3689 of 2020
(Video Conference Proceedings)

Present:- Sh. Shingara Singh, appellant along with Sh. Vipin Kumar.
Sh. Sudhir Kumar Madaan 9464395148 on behalf of the respondents.

ORDER

The RTI application is dated 5.8.2020 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 10.9.2020 and second appeal was filed in the Commission on 26.11.2020 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 appellant states that he is not satisfied with the information supplied by the respondents. However, the representative of the respondents states that the information as available on record in this case has already been supplied to the appellant.

3. After deliberations, the respondent-Public Information Officer is directed to reconsider the matter and file the submissions, if any, before the next date of hearing to take the matter to its logical end.

4. To come up on 22.3.2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Moga (for the appellant).

Sd/

Dated: 11.2.2021

(Suresh Arora)
Chief Information Commissioner,
Punjab.

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Sh. Ajaypal Singh S/o Sh. Iqbal Singh,
VPO –Gumtala, Opp. Govt. Dispensary,
Ward No. 5, (98721-39640)
Amritsar.

.....Appellant

Vs

Public Information Officer,
O/o Block Development & Panchayat Officer,
Block Khadoor Sahib,
District- Tarn Taran.

First Appellate Authority,
O/o Deputy Commissioner,
Administration Complex,
Tarn Taran.

..... Respondents

Appeal Case No. 412 of 2020

(Video Conference/Cisco Webex/Telephone Proceedings)

Present:- Smt. Kamaldeep Kaur w/o Sh. Ajaypal Singh, on behalf of the appellant.
Sh. Gurmeet Singh, Block Development and Panchayats Officer 9914412211
on behalf of the respondents, on telephone.

ORDER

This order may be read with reference to the previous order dated 18.1.2021.

2. A request has been received through email dated 10.2.2021 from the appellant vide which it has been requested for the information pertaining to panchayat record from January 2019 to September, 2019, whereas as per the last order dated 18.1.2021, it has been mentioned as panchayat record from March, 2019 to September, 2019 inadvertently.

3. Block Development and Panchayats Officer, Khadoor Sahib states that a letter is being written to the Director, Rural Development & Panchayat, Pb. recommending action against the Panchayat Secretary, Sh. Gurminder Singh for not supplying the information related to the panchayat record.

4. The RTI application of the appellant is dated 24.9.2019 and the respondents are knowingly not supplying the information to the appellant for one reason or the other. An information pertaining to panchayat record from January 2019 to September, 2019 is yet to be supplied in spite of the fact that the penalty was imposed upon Sh. Gurminder Singh, respondent-Public Information Officer amounting to Rs.5000/- and also a compensation amounting to Rs.5000/- has been awarded to the appellant. It is also a fact on record that the order of the Commission is being sent to the Financial Commissioner, Director, Rural Development & Panchayat Deptt., Pb., District Development and Panchayats Officer, Block Development and Panchayats Officer and the concerned Panchayat Secretary Sh. Gurminder Singh.

5. Merely stating by the Block Development and Panchayats Officer during the hearing that an action is being recommended against the Panchayat Secretary is not enough since the last date of hearing was 18.1.2021 and the order was sent to the Block Development and Panchayats Officer through registered post. It is also a fact on record that the Block Development and Panchayats Officer Sh. Gurmeet Singh was also served a show cause notice under Section 20(1) of the RTI Act and the decision on the same is yet to be taken.

6. The perusal of the file shows that in this case, application for information was filed

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Appeal Case No. 412 of 2020

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on dated 24.09.2019 but after lapse of more than one year incomplete information is being supplied. It is, thus apparent from the response of the respondent-Public Information Officer 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 under RTI Act, 2005. The department still does not appear to be properly tuned to the performance of its obligations enshrined under the RTI Act.

7. In this case, it is derived that the respondent-Public Information Officer is intentionally delaying the supply of information and he has no respect for the orders of the Commission to be present, either himself or through his representative in the court.

8. In view of the defying attitude of the respondent-Public Information Officer, it is a fit case to enhance the compensation amount and the penalty imposed may be increased. But one opportunity is granted to the respondents, before enhancing the penalty amount and award of compensation. Therefore, Sh. MS Chhatwal, IAS, Director, Rural Development & Panchayat, Pb., Sh. Gurmeet Singh, Sh. Gurmeet Singh, Block Development and Panchayats Officer, Khadoor Sahib and Sh. Gurminder Singh, Panchayat Secretary is directed to remain present on the next date of hearing at Chandigarh along with the original record of panchayat pertaining to January 2019 to September, 2019 in case of any submissions.

9. The Block Development and Panchayats Officer, Khadoor Sahib is also directed to place on record regarding the action taken regarding the recovery of penalty amount from the salary of Sh. Gurminder Singh already imposed vide orders of the Commission dated 15.9.2020 and submit a copy of challan.

10. To come up on 19.3.2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Taran Taran (for the appellant) and for the respondents at Chandigarh.

sd

(Suresh Arora)

Chief Information Commissioner,
Punjab.

Dated: 11.2.2021

CC

Financial Commissioner,(By Name)

Govt. Of Punjab,
Rural Development and Panchayat Deptt.
Vikas Bhawan, Sector 62, Mohali

For Compliance

Sh. M.S. Chhatwal, IAS

Director
Rural Development and Panchayat Deptt.
Vikas Bhawan, Sector 62,
Mohali

REGD

-

Sh. Gurmeet Singh,

Block Development and Panchayat Officer,
Khadoor Sahib
Taran Taran.

For Compliance

REGD

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Appeal Case No. 412 of 2020

REGD

Sh. Jagdeep Singh,
Block Development and Panchayat Officer,
Khadoor Sahib
Taran Taran.

For Compliance

REGD

Sh. Gurminder Singh, Panchayat Secretary, (M 9872950168)
o/o Block Development and Panchayat Officer,
Khadoor Sahib,
Taran Taran.

For Compliance