

PUNJAB STATE INFORMATION COMMISSION
RED CROSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGARH
Tele No. 0172-2864112, FAX No. 0172-2864125, Visit us @ www.infocommpunjab.com
Email: psic22@punjabmail.gov.in

Shri Hakikat Singh,
S/o Late Shri Kartar Singh,
R/o Village Mandir,
Tehsil Dharamkot, Distt Moga.

Appellant

Versus

Public Information Officer,
O/o Panchayat Secretary,
Gram Panchayat, Mandir,
Tehsil Dharamkot, Distt Moga

First Appellate Authority,
O/o District Development and Panchayat Officer,
Moga.

Respondents

Appeal Case No.3504/2018

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
14.05.2018	Nil	06.07.2018	Nil	22.10.2018

Present: **None on behalf of the Appellant.**
 Sh. Prithipal Singh, Panchayat Secretary, Vill: Mandir – for Respondents.

ORDER

The following order was passed by the Commission 22.01.2019:

“Sh. Hakikat Singh, Appellant is present in the Commission’s office at Chandigarh.

None is present on behalf of the respondents in the studio of DC, Moga. No communication has been received from them. The Commission takes serious cognizance of the lackadaisical conduct of the PIO.

Sh. Prithipal Singh who is the deemed PIO having been duly informed by the District Development and Panchayat Officer, Moga to provide the requisite information is issued a show cause notice to explain in a self- attested affidavit as to why a penalty @ Rs.250/- per day of delay subject to maximum of Rs.25,000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on him for causing willful delay / denial of the information to the RTI applicant and why the compensation be not awarded to the Appellant under Section 19 (8) (b) of the Act for the detriment suffered by him.

In addition to the written reply, the PIO is also given an opportunity under Section

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Appeal Case No.3504/2018

20(1) proviso thereto, for a personal 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.”

“The case has come up today. The respondents are absent. The Commission has already expressed its serious concern. A final opportunity is afforded to them to comply with the aforesaid order failing which proposed action shall be taken.”

Sh. Prithipal Singh, Panchayat Secretary has come present. He has submitted a copy of the acknowledgement issued by the appellant wherein he has expressed his satisfaction and desire not to pursue the issue.

Sh. Prithipal Singh regrets the delay which he attributes to his business in the conduct of the panchayat elections. The Commission does not see any malafide to withhold the information on the part of the respondents.

In view of the written submission made by the appellant the appeal is **disposed**.

Sd/-

12.02.2019

**(Yashvir Mahajan)
State Information Commissioner**

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Smt Pavneet Kaur,
287- B, Sector 51 A,
Chandigarh.

Appellant

Versus

Public Information Officer,
O/o Senior Superintendent of Police,
Mohali.

First Appellate Authority,
O/o Deputy Inspector General of Police,
Ropar Range, Ropar.

Respondents

Appeal Case No.3557/2018

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal
09.05.2018	Nil	26.06.2018	Nil	23.10.2018

Present: **Adv. A.P.S.Sidhu, Counsel for the Appellant.**
 ASI Nathi Ram, Police Station: Baltana, Zirakpur, Distt. SAS Nagar;

ORDER

The following order was made by the Commission on 03.01.2019:

“Heard. What transpires is that the appellant is seeking a copy of the statement of one Sh. Deepak Lakhani, recorded in a complaint made against him to Chandigarh Police by the appellant which was referred to Mohali Police as it was related to them. The respondent in the office of First Appellate Authority submits that they have forwarded the application under section 6(3) of the Right to Information Act, 2005 to the O/o Senior Superintendent of Police, Mohali. It has further been communicated that the original application was duly responded by the respondents on 13.08.2018 enclosing therewith the requisite information. However, they have not been able to apprise the Commission of the information thus having been sent. The appellant is absent; she is desired to throw light on the submission made by the respondents in order to assess the correct perspective of the matter.”

The case has come up today. ASI Nathi Ram appearing on behalf of the respondent submits that on the basis of the documents received from the Chandigarh Police they have registered a case under Section 406/420 of the I.P.C. A challan has been filed in the Court of the jurisdictional

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Appeal Case No.3557/2018

Magistrate at Dera Bassi on completion of the investigation. The original application along with the relevant papers has been filed in the Court itself. He denies having received the copy of the statement allegedly made by Sh. Deepak before the Chandigarh Police. The respondent is directed to file an affidavit on this score. Meanwhile, the appellant may like to file an application with the office of the concerned jurisdictional Magistrate in case he is interested to procure a copy of the complaint.

To come up on **14.03.2019 at 11.30 AM.**

12.02.2019

**Sd/-
(Yashvir Mahajan)
State Information Commissioner**

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Sh. Amrinder Singh,
S/o Shri Swaran Singh,
R/o VPO Talwandi Malak,
Tehsil Samana, Distt Patiala.

Appellant

Versus

Public Information Officer,
O/o Block Development and Panchayat Officer,
Samana, Distt. Patiala.

First Appellate Authority,
O/o District Development and Panchayat Officer,
Patiala.

Respondents

Appeal Case No.3587/2018

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal
16.12.2017	Nil	05.04.2018	Nil	04.09.2018

Present: None.

ORDER

Despite couple of notices the respondents have failed to file a written reply about the status of information having been sought by the appellant. Seemingly, they have violated Section 7(1) of the RTI Act. The PIO is issued a show cause notice to explain in a self- attested affidavit as to why a penalty @ Rs.250/- per day of delay subject to maximum of Rs.25,000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on him for causing willful delay / denial of the information to the RTI applicant and why the compensation be not awarded to the Appellant under Section 19 (8) (b) of the Act for the detriment suffered by him.

In addition to the written reply, the PIO is also given an opportunity under Section 20(1) proviso thereto, for a personal 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

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Appeal Case No.3587/2018

and the Commission shall proceed to take further proceedings against him ex parte.

To come up on **19.03.2019 at 11.30 AM.**

12.02.2019

**Sd/-
(Yashvir Mahajan)
State Information Commissioner**

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Sh. Navdeep Gupta,
Kothi No 455, Gillco Valley,
Kharar, Distt. Mohali.140301

Complainant

Versus

Public Information Officer,
O/o Block Development and Panchayat Officer,
Maloud, Distt Ludhiana.

Respondent

Complaint Case No.1130/2018

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal
14.12.2017	Nil	Nil	Nil	12.10.2018

Present: None.

ORDER

The following order was made by this forum on 03.01.2019:

“The complainant had sought an information from respondent about the registration of the workers under Building and Other Construction Workers Act, 1996, working in village Gosal, Block Malaudh, District Ludhiana and its renewal. Sh. Baljinder Singh, working in the O/o BDPO, Malaudh, Ludhiana submits that the original application was transferred to Labor Inspector Khanna under section 6(3) of the Right to Information Act, as the information is related to him. Obviously, the labor Inspector, Khanna is the deemed PIO in this case who has failed to provide the information. He is directed to arrange to provide the information to information seeker before the next date of hearing and explain the delay having taken in timely provision of the information earlier.”

None is present on behalf of the Parties.

The matter is deferred to be heard on **19.03.2019 at 11.30 AM.**

12.02.2019

Sd/-
(Yashvir Mahajan)
State Information Commissioner

CC: Labor Inspector, Grade 1, Circle 8, Municipal Corporation Building, Kartar Singh Sarabha Market, Near Pahwa Hospital, Gill Road, Ludhiana.

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Smt. Sunita Bakshi,
W/o Sh. K.K Bakshi,
H.No. 74/8, Shiv Mandir Street,
New Swaraj Nagar, Mundi Kharar, Distt Mohali.

Complainant

Versus

Public Information Officer,
O/o Senior Superintendent of Police,
Mohali.

Respondent

Complaint Case No.1147/2018

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal
02.07.2018	Nil	Nil	Nil	24.10.2018

Present: Smt. Sunita Bakshi, Complainant in person.
Constable Sunil Kumar, AMMHC (No.958) – for Respondent.

ORDER

The following order was made by this forum on 03.01.2019:

“The complainant is aggrieved with the inaction of the police on complaint filed by her against one Master Manoj for having thieved her mobile phone, which according to her is highly priced. The respondents are absent and no written reply has been filed by them. The Commission takes serious note of their absence. They are directed to provide the information to the complainant immediately under intimation to the Commission, failing which the Commission shall be constrained to take penal action against them.

The case has come up today. The respondent represented by Constable Sunil Kumar submits that original complaint was marked to one Sh. Raj Kumar, ASI who has yet to apprise the police station authorities of the action having been taken on the same. The respondent seeks sometime to inform the complainant.

The request is acceded. The matter shall be heard on **14.03.2019 at 11.30 AM.** Before that the complainant should be informed about the status of enquiry into her complaint.

Sd/-

12.02.2019

(Yashvir Mahajan)
State Information Commissioner

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Sh. Gurmeet Singh,
S/o Sh. Ganesha Ram,
R/o Village Shadipur,
Tehsil Guhla, Distt Kaithal, Distt Haryana.

Complainant

Versus

Public Information Officer,
O/o District Development and Panchayat Officer,
Patiala.

Respondent

Complaint Case No.1155/2018

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal
20.08.2018	Nil	Nil	Nil	30.10.2018

Present: Sh. Gurmeet Singh, Complainant in person.
None on behalf of the Respondent.

Order:

The complainant is seeking an action taken on a complaint made by him against one Sh. Binder, Sarpanch, gram panchayat, Saferi, Tehsil Samana, District Patiala.

None is present on behalf of the respondent. They are advised to apprise the complainant about the status of his complaint under intimation to the Commission failing which it shall be presumed that they have nothing to say on the matter and ex parte decision shall be taken on the complaint in hand under the provisions of RTI Act.

To come up on **19.03.2019 at 11.30 AM.**

12.02.2019

Sd/-
(Yashvir Mahajan)
State Information Commissioner

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Sh. Paramjit Singh,
S/o Sh. Jagdish Ram,
R/o Village Dhahi Gunjara,
Tehsil Patran Distt Patiala.

Complainant

Versus

Registered

Public Information Officer,
O/o Block Development and Panchayat Officer,
Patran, Distt Patiala.

Respondent

Complaint Case No.1159/2018

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal
17.05.2018	Nil	Nil	Nil	27.10.2018

Present: Sh. Paramjit Singh, Appellant in person.
None on behalf of the Respondent.

Order:

The following order was made on 08.01.2019:

"The respondent submits that the complete details of grants received from the government and other resources for the developmental works in the village have been provided to the complainant. Various bills and vouchers pertaining to the expenses incurred have also been supplied to him.

The complainant submits that the copies of bills have been supplied randomly and he is not in a position to relate the same with the various works. Though, seemingly the sought for information has been supplied, yet, in order to satisfy the complainant, it directs the respondent to allow him an access to the record and provide the certified copies of the documents, if already not provided. The complainant shall restrict his demand up to 50 pages only."

The case is being taken up today. The respondent is absent. The complainant suggests that despite having been approached the respondent has been avoiding to provide access to the information. A final opportunity is afforded to the respondent to ensure the compliance of the order as mentioned above. Failure to comply shall invoke the imposition of penalty as per provision of Section 20(1) of the Act.

To come up on **19.03.2019 at 11.30 AM.**

12.02.2019

Sd/-
(Yashvir Mahajan)
State Information Commissioner

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Shri Manohar Lal,
S/o Shri Jagdish Chander,
R/o House No 17, Street No 6,
Satjot Nagar, Dhandra Road, Ludhiana.

Complainant

Versus

Public Information Officer,
O/o Block Development Panchayat Officer,
Inside PAU Block- I, Ludhiana.

Respondent

Complaint Case No. 990/2018

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Complaint
12.07.2018	Nil	Nil	Nil	12.09.2018

Present: **Sh. Manohar Lal, Appellant in person.**
 Sh. Hardeep Singh, Panchayat Secretary, O/o BDPO, Block – 1, PAU, Ludhiana
 – for Respondent.

Order

The following order was passed by this forum on 08.01.2019:

“The respondents are absent. On the last date of hearing the proxy for the respondent has assured this forum to provide the information to the complainant before the next date of hearing under intimation to the Commission.

None is present on behalf of respondents, nor has any written reply been filed. The Commission takes strong exception towards the callous and apathetic conduct of the respondent. Apparently, they have violated the provisions of Section 7 (1) of the Right to Information Act, 2005.

The BDPO is hereby issued a show cause notice under section 20(1) of the Right to Information Act as to why a penalty at the rate of Rs. 250/- per day, subject to a maximum of Rs. 25000/- be not imposed upon him for the delay in the supply of information and also to why a suitable compensation under Section 19(8)(b) of the RTI Act, 2005, be not awarded to the complainant for the loss and detriment suffered by him. He is also afforded an opportunity of personal hearing on the next date of hearing, before taking any action.”

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Complaint Case No. 990/2018

The case has come up today for hearing. Sh. Hardeep Singh, Panchayat Secretary of Gram Panchayat, Satjot Nagar, submits that the street in question was not got constructed by the gram panchayat of the village of its location and the appellant has been informed by the BDPO accordingly. Simultaneously, he maintains that as the jurisdiction of the village has recently changed hands it is quite probable that the aforesaid construction might have been made by the gram panchayat of village Dhandla, its erstwhile local body. The Block Dev. & Panchayat Officer, Block – 1, PAU, Ludhiana, is hereby directed to clarify the position in the interest of the transparency to the complainant before the next date of hearing failing which it shall be presumed that they are willfully suppressing the information and the follow up action for such conduct shall be taken. Be it noted that a show cause notice stands already issued to him.

To come up on **19.03.2019 at 11.30 AM.**

12.02.2019

Sd/-
(Yashvir Mahajan)
State Information Commissioner

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Sh. Ram Phal,
S/o Sh. Dull Chand,
R/o #404-H, Badal Colony, Zirakpur,
Distt. SAS Nagar.

Appellant

Versus

Public Information Officer,
O/o Executive Officer,
Municipal Council, Zirakpur,
Distt. SAS Nagar.

First Appellate Authority,
O/o Deputy Director,
Local Government, Mini Secretariat,
Patiala.

Respondents

Appeal Case No.3244/2018

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA
17.10.2017	Nil	21.04.2018	Nil

Present: **Sh. Ram Phal, Appellant in person.**
 1. Sh. Gurinder Singh, Superintendent, MC office, Zirakpur,
 2. Sh. Pawandeep Singh, JE, MC Office, Zirakpur – for Respondents.

Order

The following order was made on 15.01.2019:

“The appellant had sought information about the opening of a street which earlier used to be a cul-de-sac. It is allegedly causing inconvenience to him. The respondents are absent and nothing has been heard from them. The Commission takes serious note of it. They are advised to file written reply to the notice issued by the Commission before the next date of hearing positively.”

“The respondents submit that the appellant was informed that no record pertaining to his application exists/available with them. They are required to file an affidavit on this score with the Commission. Meanwhile, they should also comply with the instructions issued to them reportedly by the Deputy Director, Local Government, Patiala.”

Sarvshri Gurinder Singh, Superintendent and Pawandeep Singh, JE, MC office, Zirakpur, appearing on behalf of the respondents reiterate that the appellant was informed in writing

Contd....page...2

Appeal Case No.3244/2018

that no record is available on the subject. A copy has also been given to the Commission which has been taken on record. On further discussion, it transpires that the appellant has a frivolous dispute with his neighbour and he intends to settle a score with him. No public interest in the issue is involved. Besides, the respondents have given in writing that no information is available. Obviously, it cannot be provided. No further action seems called for.

Disposed.

12.02.2019

**Sd/-
(Yashvir Mahajan)
State Information Commissioner**

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Sh. Sushil Kumar,
S/o Sh. Bhoop Ram,
District Jail, Rupnagar.

Appellant

Versus

Public Information Officer,
O/o Superintendent of Police (S.T.F.),
RTI Cell, Phase – 4, SAS Nagar (Mohali).

First Appellate Authority,
O/o Inspector General of Police,
Roop Nagar Range, Roop Nagar.

Respondents

Appeal Case No.3229/2018

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA
06.06.2018	Nil	16.07.2018	Nil

Present: Sh. Sushil Kumar, Appellant in person.
1. Insp. Harbhinder Kumar, SHO, STF, Phase – 4, Mohali, and
2. ASI Harbhajan Singh, STF, Phase – 4, Mohali – for Respondents.

Order

It should be read in continuation of order passed by this forum on 15.01.2019. The respondents represented by Inspector Harbhinder Kumar and ASI Harbhajan Singh again reiterate that they are exempted from providing the information by virtue of a notification issued under Section 24 of the RTI Act. However, being told that they were desired to comment on the submissions made by the appellant as well as the interim order passed by the Commission on 15.01.2019, they request for sometime to file their reply.

Acceding to their request the matter is deferred with the caveat that no further opportunity shall be afforded and the issue shall be decided on the merits based on the documents on file.

To come up on **19.03.2019 at 11.30 AM.**

Sd/-

12.02.2019

(Yashvir Mahajan)
State Information Commissioner

CC: PIO, O/o Senior Superintendent of Police, SAS Nagar, Mohali, for n/a.

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Sh. Balwan Gagat,
S/o Sh. Bachna Ram,
Ward No 5, Kahangarh Road,
Anand Basti, Pataran Distt Patiala.

Appellant

Versus

Public Information Officer,
O/o Block Development and Panchayat Officer,
Anandana at Munak,
Distt Sangrur.

First Appellate Authority,
O/o District and Development and Panchayat Officer,
Sangrur.

Respondents

Appeal Case No.3718/2018

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal
27.11.2017	Nil	03.03.2018	Nil	31.10.2018

Present: None.

ORDER

Despite couple of notices the respondents have failed to file a written reply about the status of information having been sought by the appellant. Seemingly, they have violated Section 7(1) of the RTI Act. The PIO is issued a show cause notice to explain in a self- attested affidavit as to why a penalty @ Rs.250/- per day of delay subject to maximum of Rs.25,000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on him for causing willful delay / denial of the information to the RTI applicant and why the compensation be not awarded to the Appellant under Section 19 (8) (b) of the Act for the detriment suffered by him.

In addition to the written reply, the PIO is also given an opportunity under Section 20(1) proviso thereto, for a personal 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

Contd....page...2

Appeal Case No.3718/2018

and the Commission shall proceed to take further proceedings against him ex parte.

To come up on **19.03.2019 at 11.30 AM.**

03.01.2019

**Sd/-
(Yashvir Mahajan)
State Information Commissioner**