

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
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Sh Bhola Singh,
H NO-HL-311, Phase-2,
Mohali.

... Appellant

Versus

Public Information Officer,
O/o Controller,
Department of Printing & Stationary,
Pb, Sector-18, Chandigarh.

First Appellate Authority,
O/o Controller,
Department of Printing & Stationary,
Pb, Sector-18, Chandigarh.

...Respondent

Appeal Case No. 795 of 2021

PRESENT: Sh.Bhola Singh as the Appellant
Sh.Subodh Kumar, Sr. Assistant for the Respondent

ORDER:

The appellant through the RTI application dated 27.10.2020 has sought information regarding a copy of the service book – a copy of office order No.367 dated 05.01.1995 along with its notings – a copy of office order No.1948 dated 15.01.1991 along with its noting and other information as enumerated in the RTI application concerning the office of Controller, Department of Printing & Stationery, Pb Chandigarh. The appellant was asked to vide letter dated 02.12.2020 to deposit requisite fee of Rs.140/- which the appellant deposited on 03.12.2020. However, the appellant was not provided with the information after which the appellant filed a first appeal before the First Appellate Authority on 01.01.2021 which took no decision on the appeal.

The case has come up for hearing today through video conferencing at DAC Mohali. Both the parties are present at Chandigarh. The respondent present pleaded that the information has been provided to the appellant vide letter dated 05.03.2021 with a copy of the same to the Commission. The Commission has received the reply of the PIO on 07.07.2021.

As per the appellant, the information is incomplete since the PIO has not supplied the noting portion as sought in point-3 of the RTI application. The respondent informed that the noting is not traceable. The respondent however assured to trace the noting and provide the same to the appellant within 15 days.

The PIO is directed to trace the record and provide complete information to the appellant within 15 days. If the record is not traceable, the PIO is directed to conduct an enquiry into the matter by constituting a committee and submit a complete enquiry report which establishes that the record is missing and the responsibility has been fixed for the person under whose custody the record found missing.

The case is adjourned. To come up for further hearing on **24.08.2021** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Mohali.

Chandigarh
Dated : 12.07.2021

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh Rajinder Singh,
H No-829/1, Sector-41-A,
Chandigarh.
Sh Naresh Sharma,
H No-1121, Sector-29-B,
Chandigarh.

... Appellant

Versus

Public Information Officer,
O/o Executive Director,
Scheduled Castes Land Development and
Financial Corporation, Sector-17,
Chandigarh.

First Appellate Authority,
O/o Executive Director,
Scheduled Castes Land Development and
Financial Corporation, Sector-17,
Chandigarh.

...Respondent

Appeal Case No. 939 of 2021

PRESENT: Sh.Rajinder Singh as the Appellant
None for the Respondent

ORDER:

The appellant through an RTI application dated 14.09.2020 has sought information regarding retirement dues of employees retired from the year 2010 to the year 2020 and retirement dues of employees as per court decision – arrears paid to suspended employees and other information as enumerated in the RTI application concerning the office of the Executive Director, Scheduled Castes Land Development and Financial Corporation Pb Chandigarh. The appellant was not provided with the information after which the appellant filed a first appeal before the First Appellate Authority on 24.11.2020 which took no decision on the appeal.

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

The respondent is absent and vide letter received in the Commission on 06.07.2021 has sought exemption due to corona positive.

The Commission has also received a reply from the PIO on 22.06.2021 which has been taken on the file of the Commission. It has been mentioned in the letter that the information being 3rd party, cannot be provided and the reply was sent to the appellant on 21.10.2020. Thereafter, the appellant filed the first appeal on 24.11.2020. The first appellate authority vide letter dated 11.02.2020 asked the appellant to appear before it on 16.02.2021 to plead his case but the appellant did not turn up. The appellant was given another opportunity of hearing before the First Appellate Authority on 03.03.2021 & 25.03.2021 but the appellant did not appear .

Having gone through the RTI application, the PIO is directed to provide total number of employees retired from 2010 to 2020 and the total amount of retirement dues paid to them.

The case is adjourned. To come up for further compliance on **08.11.2021** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Mohali.

Sd/-

(Khushwant Singh)
State Information Commissioner

Chandigarh
Dated : 12.07.2021



Sh Vivek Baghla,
B-2857, Bank Colony,
Badha Road, Fazilka.

... Complainant

Versus

Public Information Officer,
O/o Sr. Medical Officer,
Civil Hospital, Fazilka.

...Respondent

Complaint Case No. 215 of 2021

PRESENT: Sh.Vivek Baghla as the Appellant
Dr.Eric for the Respondent

ORDER:

The complainant through an RTI application dated 23.12.2020 has sought information regarding the implementation of section 4 of the RTI Act – inspection of Attendance record/CCTV footage of Dr.Simi Jasuja and Ranjana Gupta from 08.01.2019 – total number of ultrasounds conducted for pregnant women/patients from 08.01.2019 and payment collected therefrom - and other information as enumerated in the RTI application concerning the office of SMO Civil Hospital, Fazilka. The complainant was not provided the information after which the complainant filed a complaint in the Commission on 16.02.2021.

The case has come up for hearing today through video conferencing at DAC Fazilka. The complainant informed that the PIO has not provided the information.

Having gone through the RTI application and hearing both the parties, the following is concluded:

- Point-A - I am marking this to the Civil Surgeon to take necessary steps for implementation of section 4 (b) of the RTI Act and file a progress report at the next date of hearing.
- Point-B - The appellant does not want to pursue the information as enumerated in point 2 of the RTI application.
-
- Point-C - The PIO to invoke section 10 and provide only the total number of ultrasounds and collections made. No names to be provided. The appellant has agreed to the same.
- Point-D - PIO to send appropriate reply

The case is adjourned. To come up for further compliance on **08.11.2021** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Fazilka.

Chandigarh
Dated : 12.07.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh. Manjit Singh, S/o Sh Jagat Singh,
Village Kathgarh, Tehsil Jalalabad (East),
P.O Chak Varoka, Distt Fazilka.

... Appellant

Versus

Public Information Officer,
O/o Drug Inspector,
Fazilka.

First Appellate Authority,
Civil Surgeon,
Fazilka.

...Respondent

Appeal Case No. 1044 of 2021

**PRESENT: Sh.Manjit Singh as the Appellant
Sh.Shant Kumar for the Respondent**

ORDER:

The appellant through the RTI application dated 27.11.2020 has sought information regarding action taken on the application dated 27.10.2020 filed for taking legal action and other information as enumerated in the RTI application concerning the office of Drug Inspector Fazilka. The appellant was not satisfied with the reply of the PIO dated 16.12.2020 after which the appellant filed a first appeal before the First Appellate Authority on 28.12.2020 which took no decision on the appeal.

The case has come up for hearing today through video conferencing at DAC Fazilka. As per respondent, the information has been provided.

The appellant is not satisfied and stated that he has asked for action taken on the application along with noting/correspondence.

The PIO is directed to provide whatever action has been taken on the application of the appellant along with all notings/correspondence. The information be provided within 15 days and send a compliance report to the Commission.

The case is adjourned. To come up for further compliance on **08.11.2021** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Fazilka.

**Chandigarh
Dated : 12.07.2021**

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



Sh Ram Kumar, S/o Sh Lal Singh,
Village Alamgarh, Tehsil Abohar,
Distt Fazilka.

... Appellant

Versus

Public Information Officer,
O/o Food Safety Officer,
O/o Civil Surgeon, Fazilka.

First Appellate Authority,
O/o Food and Drug Administration,
O/o civil Surgeon, Fazilka.

...Respondent

Appeal Case No. 901 of 2021

PRESENT: Sh.Ram Kumar as the Appellant
None for the Respondent

ORDER:

The appellant through RTI application dated 05.08.2020 has sought information regarding the copy of rule/circular for collecting samples by food safety officer – total number of samples collected for milk by Gagandeep Kaur Food safety officer from 22.03.2018 to 24.03.2018 along with the location for taking samples – a copy of notices in form V served on the spot for collecting samples and other information as enumerated in the RTI application concerning the office of Food Safety Officer, Civil Surgeon Fazilka. The appellant was denied the information by the PIO vide letter dated 22.09.2020 stating that the information is 3rd party after which the appellant filed a first appeal before the First Appellate Authority on 28.09.2020 which took no decision on the appeal.

The case has come up for hearing today through video conferencing at DAC Fazilka. As per the appellant, the PIO has denied the information for point-1 on the ground that it be procured from the Civil Surgeon, Fazilka. Regarding points 2 & 3 the PIO has denied the information on the grounds that it is 3rd party as well as that it falls under Section 8(h) of the RTI Act.

The respondent is absent.

The Commission observes that the PIO has clearly tried to deny the information. Regarding point 1, the RTI application should have been transferred to the PIO Civil Surgeon, Fazilka under section 6 (3), which the PIO has not done.

Regarding points 2 & 3 the Commission observes that while invoking section 8(h) of the RTI Act the PIO has denied the information without any speaking order that why section 8 (h) has been invoked. Further to that, the PIO has invoked section 11 without following due procedure.

Having gone through the RTI application I find that there is no part of the information that falls under the exempted category and hence the PIO is directed to provide the information regarding points 2 & 3 to the appellant within 15 days and send a copy to the Commission.

Regarding point-1, the PIO Civil Surgeon, Fazilka is impleaded and directed to provide the information within 15 days.

The case is adjourned. To come up for further hearing on **08.11.2021** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Fazilka.

Sd/-

(Khushwant Singh)
State Information Commission

Chandigarh
Dated : 12.07.2021

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Sh Vinod Kumar, S/o Sh Mulkh Raj,
70, Shingar Avenue, Opposite Post Office,
Chheharta, Amritsar.

... Complainant

Versus

Public Information Officer,
O/o Director,
Social Security Women & child Welfare,
Pb, Chandigarh.

...Respondent

Complaint Case No. 260 of 2021

PRESENT: Sh.Vinod Kumar as the Appellant
None for the Respondent

ORDER:

The complainant through the RTI application dated 26.08.2020 has sought information regarding details of total number of posts of Senior Assistants & Superintendents from the year 1996-97 to 2010-11 and the posts filled year wise and other information as enumerated in the RTI application concerning the office of Director, Social Security Women & Child Welfare, Pb Chandigarh. The PIO denied the information to the complainant vide letter dated 09.09.2020 stating that the information sought is creative and it cannot be provided. Thereafter the complainant filed a complaint in the Commission on 02.03.2021.

The case has come up for hearing today through video conferencing at DAC Amritsar. The complainant claims that the PIO has not supplied the information.

The respondent is absent without any legitimate reasons for the absence. The PIO has refused the information on grounds that it is 'creative information.' This is an absurd term to use, and prima facie it appears that the PIO has not applied his/her mind in understanding the scope of information required and has sent an arbitrary reply denying the information by claiming that it is creative. 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 denial of information on flimsy grounds and 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 for further hearing on **08.11.2021 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Amritsar. The PIO to appear at Chandigarh.

Chandigarh
Dated : 12.07.2021

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh Prithipal Singh, S/o Sh Sadhu Singh,
R/o Flat No-910, Top Floor,
J.T.P.L Township, Sector-115,
Landran Road, Kharar, Mohali.

... Complainant

Versus

Public Information Officer,
O/o SGPC,
Teja Singh Samundri Hall,
Sri Darar Sahib Complex,
Amritsar.

... Respondent

Complaint Case No. 258 of 2021

PRESENT: None for the Appellant
None for the Respondent

ORDER:

The complainant through RTI application dated 09.01.2021 has sought information regarding the copy of a resolution passed by Executive Committee SGPC Amritsar with regard to financial relief of Rs.50000/- to be extended annually to each of 222 Dharmi Fujiz of 1984 dismissed from army service by way of general court marshal and not getting any govt pension – copy of resolution passed by EC SGPC for relief of Rs.50000/- to be extended to each of 43 Dharmi faujis of 1984 dismissed by way of summary court and other information as enumerated in the RTI application concerning the office of SGPC Teja Singh Samundri Hall Amritsar. The complainant was not provided the information after which the complainant filed a complaint in the Commission on 01.03.2021.

The case has come up for hearing today through video conferencing at DAC Amritsar/Mohali. Both the parties are absent.

The PIO is directed to provide the sought information as per record, within fifteen days.

It has also been observed that the SGPC is not being duly represented in any of the cases which have come for hearing before this bench in the past, nor has its PIO been filing any reasonable reasons for absence or exemption. The PIO is directed to ensure that the SGPC is well represented during the hearings at PSIC.

The case is adjourned. To come up for further compliance on **08.11.2021** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Amritsar. The complainant to appear through VC at DAC Mohali.

Chandigarh
Dated : 12.07.2021

Sd/-
(Khushwant Singh)
State Information Commissioner