

PUNJAB STATE INFORMATION COMMISSION

Red Cross Bhawan, Near Rose Garden, Madhya Marg,

Sector: 16, Chandigarh.

Tel. No.0172-2864100-01, Fax No.0172-2864110

Visit us @ www.infocommpunjab.com, Email-ID pcic20@punjabmail.gov.in

Sh. Jasmeet Singh,
449, New Jawahar Nagar,
Jalandhar

-----Appellant

Vs.

Public Information Officer,
O/o Commissioner of Police, Jalandhar

First Appellate Authority
O/Commissioner of Police, Jalandhar

Public Information Officer,
O/o Smt. Navjot Pal Kaur,
Judicial Magistrate 1st Class,
Judicial Court Complex, Jalandhar.

-----Respondents

Appeal Case No. 3915 of 2016

Present: None on behalf of the appellant as well as the respondents.

ORDER

In this case, during hearing on 21.03.2018, following order was passed:-

"In the given scenario, I would ask the Commissioner of Police, Jalandhar to look into this case and see as to why it has happened in this specific case that the documents could not be provided to the appellant and also to ensure that in such cases once the inquiry is complete and duly approved by the competent authority, the documents are provided to the appellant before these are submitted in the court along the Challan, when the appellant is seeking the same while approaching the respondents and the Commission. He may look into it and issue necessary instructions. I would like to have a report in the matter in month's time.

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The case file is sent to Deputy Registrar, Punjab State Information Commission for putting up the file to the undersigned on receipt of a report from the Commissioner of Police, Jalandhar. "

2. On receipt of reply from Commissioner Police Jalandhar, it came to the notice of the Commission on 05.12.2018, that the statements of witnesses recorded under Section 161 CRPC in FIR No. 82 of 2015, PS Barandari Jalandhar had been submitted in the Court alongwith challan of the case. It also came to the notice of the Commission that Sh. Jasmeet Singh, appellant, sought copies of these documents from the PIO of the Court of Smt. Navjot Pal Kaur JMIC Jalandhar but were denied intimating him as under:-

"The demanded documents i.e. Statement of Jasmeet Singh, Tarlok, Manmeet Singh, Kamaljeet Singh, Hardeep, Arjinder, Kamaljeet can't be given due to non exhibited doc. and 161CRPC statements"

3. In order to verify whether the statements of witnesses recorded under Section 161 CRPC in this case are in record of Police Department or in the record of the said Court, the record of O/o Commissioner Police Jalandhar as well as of the concerned Court is required to be examined. Accordingly the PIO O/o JMIC Jalandhar (Smt. Navjot Pal Kaur) was also impleaded as respondent. The PIO O/o Commissioner of Police Jalandhar as well as the PIO O/o JMIC Jalandhar were directed to appear alongwith complete original record relating to FIR No. 82 of 2015 Police Station Barandari Jalandhar in the Commission on the Next date of hearing . The case was adjourned for today.

4. Today, none is present on behalf of the appellant as well as the respondents without any intimation. Viewing the absence of the respondents seriously, one last opportunity

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is afforded to the PIO O/o Commissioner of Police Jalandhar as well as the PIO O/o JMIC Jalandhar to appear alongwith complete original record relating to FIR No. 82 of 2015 - Police Station Barandari Jalandhar in the Commission on the Next date of hearing to explain the factual position of the case so that requisite information could be provided to the appellant without any further delay, failing which punitive action under the provisions of RTI Act, 2005 will be taken against them.

5. To come up on **20.03.2019 at 11.30 A.M. for further proceedings.**

Dated : 13.02.2019

**Sd/-
(S.S. Channy)
Chief Information Commissioner
Punjab**

**CC: Public Information Officer,
O/o Smt. Navjot Pal Kaur,
Judicial Magistrate Ist Class,
Judicial Court Complex, Jalandhar.**

REGISTERED

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Shri G.P. Singh,
Ward No.11/241, Near Goyal Hospital,
Ahemadgarh, District Sangrur.

-----Appellant

Vs

Public Information Officer
o/o Station House Officer,
Police Station, Jodhan, Ludhiana (Rural)

First Appellate Authority
o/o Inspector General of Police,
Zone-2, Jalandhar.

-----Respondents

Appeal Case No. 3604 of 2018

Present:- None on behalf of the appellant.

Shri Sukhwinder Singh, ASI, on behalf of the respondents.

ORDER

The case was last heard on 13.12.2018, when the appellant was not present. The representative of the respondents informed that Challan had been filed in the competent court of law. Accordingly, the respondents were directed to supply a copy of Challan and point-wise reply to the appellant, before the next date of hearing. The case was adjourned for today.

2. Today, the representative of the respondents submits a letter No. 26/5-A, dated 12.02.2019 from SHO, Police Station Jodhan vide which it has been informed that the relevant police file has been inspected by the appellant and identified record has been provided to him, which has been duly received by him. A copy of receipt taken from the appellant has also been sent along with this letter in which he has stated that he has received the sought for information on 16.01.2019 and this case may be closed.

3. The appellant is not present. However, a letter dated 12.02.2019 has been received from him through e-mail informing that requisite information has been supplied to him on 19.01.2019 by Incharge, Police Post, Chhapar. He has requested to close the case.

4. Since the requisite information stands provided to the appellant to his satisfaction, the case is **disposed of and closed**.

Dated : 13.02.2019

**Sd/-
(S.S. Channy)
Chief Information Commissioner
Punjab**

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Shri G.P. Singh,
Ward No.11/241, Near Goyal Hospital,
Ahemadgarh, District: Sangrur.

-----Appellant

Vs

Public Information Officer
o/o Senior Superintendent of Police,
Ludhiana (Rural).

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

-----Respondents

Appeal Case No. 3603 of 2018

Present:- None on behalf of the appellant.

Shri Sukhwinder Singh, ASI, on behalf of the respondents.

ORDER

The case was last heard on 13.12.2018, when the representative of the respondents informed that complete information had been supplied to appellant on 14.08.2018 and no observations, on the provided information, had been received from him. Accordingly, last opportunity was afforded to the appellant to come present on the next date of hearing and defend his case, failing which the case would be decided on the basis of documents available on the case file. The case was adjourned for today.

2. Today, the representative of the respondents submits a letter No. 26/5-A, dated 12.02.2019 from SHO, Police Station Jodhan vide which it has been informed that the relevant police file has been inspected by the appellant and identified record has been provided to him, which has been duly received by him. A copy of receipt taken from the appellant has also been sent along with this letter in which he has stated that he has received the sought for information on 16.01.2019 and this case may be closed.

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3. The appellant is not present. However, a letter dated 12.02.2019 has been received from him through e-mail informing that he is unable to attend hearing today. He has further informed that no information has been provided to him till 12.02.2019. This letter dated 12.02.2019 seems to be after-thought and misleading and thus cannot be relied upon.

4. Since the appellant has received the information on 16.01.2019 and has given due receipt to the respondent requesting for closing the case, a copy of which has been submitted to the Commission, the case is **disposed of and closed**.

Dated : 13.02.2019

**Sd/-
(S.S. Channy)
Chief Information Commissioner
Punjab**

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Shri Manjit Singh s/o Shri Sohan Singh,
H.No.388/3, Bahera Road,
Patiala.

-----Appellant

Vs

Public Information Officer
o/o Director General of Police, Punjab,
Chandigarh.

First Appellate Authority
o/o Director General of Police, Punjab,
Chandigarh.

-----Respondents

Appeal Case No. 3619 of 2018

Present:- Shri Manjit Singh, appellant, in person.

Shri Purshotam Kumar, Head Constable, on behalf of the respondents.

ORDER

The case was last heard on 13.12.2018, when the representative of the respondents submits that similar information had been sought by the appellant in both Appeal Case No.3618/2018 and Appeal Case No. 3619/2018 and complete information had been provided to the appellant in Appeal Case No.3618/2018 and therefore the instant case be also disposed of and closed. Consequently, after hearing both the parties, it was observed that separate reply in each case should be given to the appellant under RTI Regime. Accordingly, the respondents were directed to furnish reply in this case also, before the next date of hearing. The case was adjourned for today.

2. Today, the representative of the respondents submits a copy of Memo. No. 277-278/RTI-2, dated 28.01.2019 from AIGP/Personnel-1, Punjab vide which the duly attested information running into 5 pages has been supplied to the appellant. The appellant expresses dis-satisfaction. Consequently, the sought for information is discussed point-wise in detail and it is found that complete information has been provided to the appellant.

5. Accordingly, the case is **disposed of and closed**.

Dated : 13.02.2019

**Sd/-
(S.S. Channy)
Chief Information Commissioner
Punjab**

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Shri Suresh Aggarwal
s/o Shri Prem Chand,
r/o H.No.2585/2A, Jagat Nagar,
Basti Jodhewal, Ludhiana.

-----Appellant

Vs

Public Information Officer
o/o Chief Secretary to Govt. of Punjab,
Chandigarh.

First Appellate Authority
o/o Chief Secretary to Govt. of Punjab,
Chandigarh.

Public Information Officer
o/o Financial Commissioner to the
Government of Punjab,
Department of Excise and Taxation, Chandigarh

Public Information Officer
o/o Under Secretary to Government of Punjab,
Department Local Government,
Chandigarh.

Public Information Officer,
O/o Excise and Taxation Commissioner, Patiala.

-----Respondents

Appeal Case No. 3649 of 2018

Present:- None on behalf of the appellant.

Shri Balwinder Pal, Senior Assistant, Local Government-1 Branch and Shri Navdeep Singh, Excise and Taxation Inspector, office of Excise and Taxation Commissioner, Patiala, on behalf of the respondents.

ORDER

The case was last heard on 13.12.2018, when the appellant informed that no response had been received from the respondents. A perusal of the case file revealed that the appellant had sought information from the Chief Secretary to Government of Punjab, Chandigarh, who transferred the RTI application under Section 6(3) of the RTI Act, 2005 to the

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Financial Commissioner to the Govt. of Punjab, Department of Excise and Taxation, Chandigarh vide their letter dated 7/368/2018-GC(4)/1063 dated 05.12.2018, who further transferred the same to the Under Secretary to Government of Punjab, Department of Local Government, Chandigarh for supplying the requisite information to the appellant. Accordingly, the PIO of the office of Financial Commissioner to the Government of Punjab, Department of Excise and Taxation, Chandigarh and the PIO of the office of Under Secretary to Government of Punjab, Department of Local Government, Chandigarh were impleaded as necessary parties in this case and they were directed to supply the requisite information to the appellant with a copy to the Commission before the next date of hearing. The case was adjourned for today.

2. Today, the representative of the Local Government Department submits a Memo. No. 15/7/2019-5 ਸਸ 1/230-B, dated 11.02.2019 from the PIO of Local Government-1 Branch vide which the appellant has been informed that the requisite information cannot be provided to him as it is in the form of questionnaire. Consequently, the sought for information is discussed point-wise. After hearing the representatives of respondents of Local Government Department and Excise and Taxation Commissioner, Patiala, they are directed to send a detailed point-wise reply to the appellant, with a copy to the Commission, within a week.

3. To come up on **20.03.2019 at 11.30 A.M. for further proceedings.**

Dated : 13.02.2019

**Sd/-
(S.S. Channy)
Chief Information Commissioner
Punjab**

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Shri Achhru Bansal, Advocate,
r/o Gayatri Bhawan,
State Bank Street, Samana,
District Patiala-147101.

-----Appellant

Vs

Public Information Officer
o/o Director General of Police, Punjab,
Chandigarh.

First Appellate Authority
o/o Director General of Police, Punjab,
Chandigarh.

-----Respondents

Appeal Case No. 3654 of 2018

Present:- Shri Achhru Bansal, appellant, in person.

Shri Hakam Singh, Head Constable, on behalf of the respondents.

ORDER

The case was last heard on 13.12.2018 when the representative of the respondents informed that the matter was referred to the Senior Superintendent of Police, Patiala by the Bureau of Investigation, Punjab, Chandigarh for getting the information on the complaint of the appellant and the Senior Superintendent of Police, Patiala had informed that the matter was under investigation due to which the information sought by the appellant could not be supplied. Accordingly, the respondents were directed to expedite the inquiry and supply the information after getting the same from the Senior Superintendent of Police, Patiala before the next date of hearing. The case was adjourned for today.

2. Today, the representative of the respondents submits a letter No. AS.C/3654 of 2018/120-A.C/f 2018/146/RTI, dated 11.02.2019 from SSP-cum-PIO, Patiala vide which it has been informed that the sought for information relates to third party and thus the said information

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cannot be provided to the appellant under Section 8(1) of the RTI Act, 2005. The appellant submits that he is asking for this information as an amount of Rs. 4.70 lakh is involved in the matter. Consequently, after discussing the matter and hearing both the parties, the objection of PIO-cum-SSP, Patiala is over-ruled and inspection of relevant record is allowed to the appellant to identify the specific documents required by him and the respondents are directed to supply copies of the same to the appellant.

3. To come up on **20.03.2019 at 11.30 A.M. for confirmation of compliance of orders.**

Dated : 13.02.2019

**Sd/-
(S.S. Channy)
Chief Information Commissioner
Punjab**

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Shri Kuldeep Singh
#437-A, Model Town Extension,
Ludhiana.

-----Appellant

Vs

Public Information Officer
o/o Deputy Commissioner, Ludhiana.

First Appellate Authority
o/o Deputy Commissioner, Ludhiana.

-----Respondents

Appeal Case No. 4263 of 2018

Present: Shri Kuldeep Singh, appellant, in person.
Shri Pawandev Singh, S.I., on behalf of the respondents.

ORDER

In this case, Shri Kuldeep Singh, appellant, vide his RTI application dated 23.08.2018, addressed to the PIO of the office of Deputy Commissioner, Ludhiana, sought certain information on 5 points regarding Pensioner Bhawan, situated near the office of Police Commissioner, Ludhiana. On receiving no information, he filed first appeal with the First Appellate Authority vide application dated 01.10.2018 and subsequently approached the Commission in Second Appeal vide application dated 06.12.2018, which was received in the Commission on 10.12.2018. Accordingly, a Notice of Hearing was sent to the concerned parties for today.

2. Today, the representative of the respondents submits a letter No. 4263/RTI, dated 12.02.2019 from PIO-cum-DCP, Commissionerate Ludhiana vide

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which it has been informed that the RTI application of the appellant has been transferred to their office under Section 6(3) of the RTI Act by the PIO of the office of Deputy Commissioner, Ludhiana and in this case information has been asked for by the appellant regarding Pensioner Bhawan, which does not relate to their office and the appellant has been informed accordingly vide letter No. 107/RTI, dated 28.09.2018. Consequently, after hearing both the parties and discussing the sought for information, the PIO of the office of Deputy Commissioner, Ludhiana is directed to file a detailed reply before the next date of hearing.

3. To come up on **20.03.2019 at 11.30 A.M. for further proceedings.**

Dated : 13.02.2019

**Sd/-
(S.S. Channy)
Chief Information Commissioner
Punjab**

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Shri Gurdeep Singh Kahlon,
r/o 947 HIG, Jamalpur Colony,
Ludhiana.

-----Appellant

Vs

Public Information Officer
o/o Punjab and Haryana High Court,
Chandigarh.

First Appellate Authority
o/o Punjab and Haryana High Court,
Chandigarh.

-----Respondents

Appeal Case No. 4208 of 2018

Present: None for the appellant.

Shri Inder Singh, Joint Registrar(Rules)-cum-PIO, on behalf of the respondents.

ORDER

In this case, Shri Gurdeep Singh Kahlon, appellant, vide his RTI application dated 19.09.2018, addressed to the PIO, sought certain information on 11 points in respect of Shri Bhupinder Mittal, Judicial Magistrate, Class-1, Ludhiana. On receiving no information, he filed first appeal with the First Appellate Authority vide application dated 20.10.2018 and subsequently approached the Commission in Second Appeal vide application dated 05.12.2018, which was received in the Commission on 05.12.2018. Accordingly, a Notice of Hearing was sent to the concerned parties for today.

2. A letter No. 144-145/PIO/HC, dated 23.01.2019 has been received from Shri Inder Singh, Joint Registrar(Rules)-cum-PIO, Punjab and Haryana High Court, Chandigarh, with a copy to the appellant, vide which detailed reply has been sent in which it has been inter-alia stated as under:

1. *That the present appeal filed under Section 19(3) of the Right to*

Contd.....p/2

Information Act, 2005, is not maintainable, as the appellant has not availed the remedy of First Appeal as provided under Section 19(1) of the Act.

2. *That the appellant in his appeal has alleged that he has filed first appeal on 20.10.2018, whereas as per record of this Court, no first appeal as alleged by the appellant has been received. Since, no decision of First Appellate Authority as provided under Section 19(1) of the Act is available, the appeal under Section 19(3) of the Act does not lie.*

3. Today, Shri Inder Singh, Joint Registrar(Rules)-cum-PIO, appearing on behalf of the respondents, further states that the information, asked for in this case, relates to Shri Bhupinder Mittal, Judicial Magistrate, Class-1, Ludhiana which cannot be shared with the appellant as it is not maintainable as per the judgement passed by Hon'ble Supreme Court of India on 31.08.2017 in Civil Appeal No. 22 of 2009 – Canara Bank Vs. C.S. Shyam & Anr.

4. Consequently, after hearing the respondent PIO and going through the documents placed on record, I accept the plea put forth by the respondent PIO.

5. Accordingly, the case is **disposed of and closed**.

Dated : 13.02.2019

**Sd/-
(S.S. Channy)
Chief Information Commissioner
Punjab**

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Shri Gurmukh Singh.

President, Dr. B.R. Ambedkar Majdoor Welfare Societies,
R/o Village Rukna Begu, Near Railway Station Kasu Begu,
P.O. Patel Nagar, Tehsil and District Ferozepur.

-----Appellant

Vs

Public Information Officer,
o/o Additional Director General of Police (Crimes Branch),
Punjab, Chandigarh.

First Appellate Authority
o/o Additional Director General of Police (Crimes Branch), Punjab,
Chandigarh.

-----Respondents

Appeal Case No. 4261 of 2018

Present: None for the appellant.

Shri Prem Masih, ASI, on behalf of the respondents.

ORDER

In this case, Shri Gurmukh Singh, appellant, vide his RTI application dated 08.08.2018, addressed to the PIO sought certain information regarding his complaint No. 393 dated 19.01.2018 against Mr. Dabhu, Commission Agent. On receiving no information, he filed first appeal with the First Appellate Authority vide application dated 22.09.2018 and subsequently approached the Commission in Second Appeal vide application dated 07.12.2018, which was received in the Commission on 10.12.2018. Accordingly, a Notice of Hearing was sent to the concerned parties for today.

2. Today, the representative of the respondents submits a letter No. 89/RTI/CC, dated 23.01.2019 from AIGP, Bureau of Investigation-cum-PIO, Punjab, Chandigarh vide which it has been informed that the information running into 14 pages has been provided to the

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appellant, which has been duly received by him on 11.12.2018 and the appellant has informed that he is not satisfied with the provided information. Accordingly, the appellant is directed to specifically furnish the deficiencies in the provided information, to the PIO, with a copy to the Commission, failing which case will be decided on merit on the basis of documents placed on record.

3. To come up on **20.03.2019 at 11.30 A.M. for further proceedings.**

Dated : 13.02.2019

**Sd/-
(S.S. Channy)
Chief Information Commissioner
Punjab**

4. After the hearing is over and the respondent has left, Shri Gurmukh Singh, Appellant, appears before the Commission. He explains reasons for his late arrival. Accordingly, he is apprised of the proceedings taken place during hearing of the case.

Dated : 13.02.2019

**Sd/-
(S.S. Channy)
Chief Information Commissioner
Punjab**

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Shri Satnam Singh Dhawan,
H.No.7, G.K. Vihar,
Manakwal, Ludhiana.

-----Appellant

Vs

Public Information Officer
O/o Deputy Commissioner of Police, Ludhiana.

First Appellate Authority
O/o Commissioner of Police, Ludhiana.

-----Respondents

Appeal Case No. 4307 of 2018

Present: Shri Satnam Singh Dhawan, Appellant, in person.
Shri Pawandev Singh, S.I. and Shri Malkiat Singh, H.C., on behalf of the respondents.

ORDER

In this case, Shri Satnam Singh Dhawan, appellant, vide his RTI application dated 31.05.2018, addressed to the PIO sought certain information regarding Vehicle No. PB10BZ7101. On receiving no information, he filed first appeal with the First Appellate Authority vide application dated 07.07.2018 and subsequently approached the Commission in Second Appeal vide application dated 13.12.2018, which was received in the Commission on 13.12.2018. Accordingly, a Notice of Hearing was sent to the concerned parties for today.

2. Today, the representatives of the respondents submit a letter dated 06.02.2019 from Head Munshi, Police Station, Dehlon, Ludhiana vide which requisite information has been furnished, a copy of which is handed over to the appellant, who after pursuing the same expresses satisfaction while stating that the information has been delayed. Accordingly, the respondent PIO is directed to be careful in future to ensure that the information is supplied to the complainant/appellant within the time limit, prescribed in the RTI Act, 2005.

3. Since the information stands provided, the case is **disposed of and closed**.

Dated : 13.02.2019

**Sd/-
(S.S. Channy)
Chief Information Commissioner
Punjab**

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Shri Rajvir Singh S/o Shri Gurtej Singh,
Village: Thaska, Post Office: Bhulan,
Tehsil Moonak, District: Sangrur – 148027.

-----Appellant

Versus

Public Information Officer,
O/o Naib Tehsildar, Khanouri,
District: Sangrur.

First Appellate Authority,
O/o Deputy Commissioner, Sangrur.

Public Information Officer,
O/o Commissioner,
Patiala Division, Patiala.

-----Respondents

Appeal Cases No. 578 of 2017

Present: None on behalf of the appellant.

Shri Vivek Nirmohi, PIO-cum-Naib Tehsildar, Khanouri, on behalf of the respondents.

ORDER

In this case, during hearing on 05.09.2018, the appellant informed that the provided information was incomplete. Accordingly, he was directed to furnish deficiencies in the provided information to the PIO, with a copy to the Commission and the PIO is directed to supply complete information to the appellant after removing the deficiencies, which would be furnished in due course of time. The appellant further submitted that he filed his RTI application for seeking information on 17.09.2016 and a period of about 2 years has lapsed but complete information had still not been provided to him. He further submitted that during this long period he had suffered a lot of agony, mentally as well as financially in obtaining the

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requisite information in this case. He requested that appropriate action might please be taken against the erring PIO and he might be suitably compensated. Consequently, after going through the documents placed on record, in exercise of the powers conferred by Section 20(1) of the RTI Act, 2005, a penalty to the tune of Rs. 25,000/- (Rupees Twenty Five Thousand only) was imposed upon Shri Vivek Nirmohi, Niab Tehsildar-cum-PIO, Khanouri to be deducted from his salary for the months of September, 2018 and October, 2018 at the rate of Rs. 12,500/- each and to be deposited in the State Treasury under the following head:-

- 0070-Other Administrative Services
- 60 Other Services
- 800 Other Receipts
- 86 Fee under RTI Act, 2005

Besides, in exercise of the powers conferred by Section 19(8)(b) of the RTI Act, 2005, a compensation of Rs. 5,000/-(Rupees five thousand only) was awarded to Shri Rajvir Singh, Appellant, for the loss and detriment suffered by him during this long period, to be paid by the Public Authority through a Bank Draft, within 30 days and a confirmation to this effect would be furnished to the Commission on the next date of hearing. A copy each of the order was forwarded to Financial Commissioner Revenue, Punjab, Chandigarh and Deputy Commissioner, Sangrur to ensure the compliance of the orders. The case was adjourned to 21.11.2018.

2. On 21.11.2018, the representative of the appellant informed that complete information had not been supplied to the appellant as yet. He further informed that compensation amount of Rs. 5,000/- had also not been paid to the appellant. Accordingly, the

Contd.....p/3

appellant was again directed to furnish deficiencies in the provided information to the PIO, with a copy to the Commission and the respondent PIO was directed to supply complete information to the appellant after removing the deficiencies, which would be furnished to him by the appellant in due course of time.

3. None was present on behalf of the respondents without any intimation nor compliance report of the orders of the Commission dated 05.09.2018 had been received so far. However, a letter No. 1049-50/RTI, dated 21.09.2018 was received from PIO-cum-District Revenue Officer, Sangrur vide which Tehsildar, Moonak had been directed to deduct penalty amount of Rs. 12,500/- from the salary of Shri Vivek Nirmohi, Naib Tehsildar Khanouri for September, 2018 and Rs. 12,500/- for October, 2018 and deposit the same in the State Treasury under the relevant head. The District Revenue Officer, Sangrur had also directed Shri Vivek Nirmohi, Naib Tehsildar, Khanouri to pay compensation amount of Rs. 5,000/- to Shri Rajvir Singh, Appellant through a Bank Draft.

4. Since compliance report had not been received as yet, a copy each of order was forwarded to Financial Commissioner Revenue, Punjab, Chandigarh; Deputy Commissioner, Sangrur, District Revenue Officer, Sangrur and Shri Vivek Nirmohi, Naib Tehsildar, Khanouri to ensure the compliance of the orders, before the next date of hearing. The case was adjourned to 09.01.2019.

5. On 09.01.2019, the appellant was not present without any intimation. Shri Kewal Singh, Senior Assistant, office of Commissioner, Patiala Division, Patiala submitted a Memo. No. ੫੫-1/154, dated 08.01.2019 from Commissioner, Patiala Division, Patiala vide which it was informed that the salary of officials/officers is disbursed to them after their service

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books are made available online. It was also informed that since the service book of Shri Vivek Nirmohi, Naib Tehsildar, Khanouri was not traceable, the same had not been made available online due to which his salary had not been disbursed to him since March, 2018 and penalty amount of Rs. 25,000/- could not be deducted. It had been further informed that necessary action was being taken to prepare duplicate service book of the officer. Accordingly, the PIO of the office of Commissioner, Patiala Division, Patiala was directed to intimate the Commission, as to when the penalty amount of Rs. 25,000/- would be deducted from the salary of Shri Vivek Nirmohi, Naib Tehsildar, Khanouri. Besides, Shri Vivek Nirmohi, Naib Tehsildar, Khanouri was directed to pay compensation amount of Rs. 5,000/- to the appellant from the Public Authority through Bank Draft. He was also directed to supply complete information to the appellant after removing the deficiencies in the provided information, furnished by him, before the next date of hearing and a compliance report be submitted on the next date of hearing. The case was adjourned for today.

6. Today, Shri Vivek Nirmohi, Naib Tehsildar, Khanouri, states that complete information, after removing the deficiencies pointed out by the appellant, has been supplied to him and no observations have been received from him till date. Shri Vivek Nirmohi further states that he has brought a Bank Draft for Rs. 5,000/- as compensation amount for handing over the same to the appellant. Since the appellant is not present without any intimation, the respondent; is directed to send the Bank Draft to the appellant by registered post.

7. Since no report regarding deduction of penalty amount of Rs. 25,000/- from the salary of Shri Vivek Nirmohi, Naib Tehsildar, Khanouri has been received from the office of Commissioner, Patiala Division, Patiala, the PIO of the office of Commissioner, Patiala Division,

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Patiala, is directed to furnish compliance report in this regard before the next date of hearing.

8. To come up on **24.04.2019 at 1.00 P.M. for confirmation of compliance of orders.**

**Sd/-
(Avtar Singh Kaler)
S.I.C.**

**Sd/-
(S.S. Channy)
C.I.C.**

Dated : 13.02.2019

CC:	Financial Commissioner Revenue, Punjab Civil Secretariat-1, Chandigarh.	REGISTERED
	Deputy Commissioner, Sangrur.	REGISTERED
	District Revenue Officer, Sangrur.	REGISTERED
	Shri Vivek Nirmohi, Naib Tehsildar, Khanouri, District: Sangrur.	REGISTERED

CC:- PS/Hon'ble SIC(ASK) for the kind information of Hon'ble SIC (ASK)

PUNJAB STATE INFORMATION COMMISSION

**Red Cross Bhawan, Near Rose Garden, Madhya Marg,
Sector: 16, Chandigarh.**

Tel. No.0172-2864100-01, Fax No.0172-2864110

Visit us @ www.infocommpunjab.com, Email-ID pcic20@punjabmail.gov.in

Shri Jaspal Vir Singh,
134, Hardev Nagar,
Kapurthala Road, Jalandhar.

-----Appellant

Vs.

Public Information Officer
O/o Sikh Missionary College(Regd.)
1051/14, Field Ganj, Ludhiana.

First Appellate Authority,
O/o Head/Chairman,
Sikh Missionary College,
1051/14, Field Ganj, Ludhiana.

-----Respondents

Appeal Case No. 374 of 2012

Present:- None on behalf of the appellant.

Shri G. S. Dhillon, Advocate, on behalf of the respondents.

ORDER

In this case, Shri Jaspal Vir Singh, Appellant, vide his RTI application dated 13.11.2011, addressed to the PIO, sought certain information on 15 points in respect of Sikh Missionary College Institution(Society) and Sikh Missionary College(Regd.) Ludhiana.

2. Shri Harbhajan Singh, Principal, Sikh Missionary College, Ludhiana made a written submission inter-alia stating that Sikh Missionary College, Ludhiana, is a registered body under the Societies Registration Act XXI of 1860 as amended by Punjab Amendment Act, 1957 and is not a Government grant-in-aid or aided body and thus is not covered under the Right to Information Act, 2005.

3. This case was heard by Shri R.I. Singh, Chief Information Commissioner, Punjab, who vide his order dated 31.12.2012 held that the respondent is a public authority and therefore, it is bound to comply with the provisions of the RTI Act by appointing a PIO. Vide this

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order, the respondents were directed to furnish the requisite information to the appellant.

4. This order of the Commission was challenged in the Hon'ble Punjab and Haryana High Court by the respondent Institute vide CWP No. 6241 of 2014, which was decided by Shri Rajan Gupta, Judge on 31.12.2017. The Hon'ble Judge set aside the order of the Commission and the matter was remitted to State Information Commission for decision afresh as per law after affording opportunity of hearing to the parties.

5. The matter was allotted to Dr. Pawan Kumar Singla, SIC for adjudication, who during hearing on 22.05.2018 recommended for constitution of a Full Bench to decide the issue. Consequently, a Larger Bench consisting of Dr. S. S. Channy, Ld. Chief Information Commissioner and Dr. Pawan Kumar Singla, Ld. State Information Commissioner, was constituted and a Notice of Hearing was issued to the parties for 11.07.2018.

6. On 11.07.2018, the appellant was not present. However, a letter dated 11.07.2018 was received from him through e-mail informing that he was unable to attend hearing due to some emergency. Ld. Counsel for the respondents referred to the judgement of Hon'ble Supreme Court of India passed in the case titled Thalappalam Service Cooperative Bank Ltd. and others versus State of Kerala and others in Civil Appeal 9017 of 2013 arising out of SLP© No. 24290 of 12, contending that the respondent Institute could not be said to be a public authority under the Right to Information Act, 2005. As the onus, to prove that the said Institute is a Public Authority, lied on the appellant, he was directed to submit documentary evidence to vindicate his stand, on the next date of hearing. The case was adjourned to 19.09.2018, which was further postponed to 21.11.2018 due to certain administrative reasons.

7. On 21.11.2018, Dr. Pawan Kumar Singla, Hon'ble SIC, a member of the Larger

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Bench was on leave. Therefore, it was not possible to hear this case due to incomplete quorum. The case was adjourned to 09.01.2019.

8. On 09.01.2019, the appellant was not present. However, a letter dated 09.01.2019 was received from him through e-mail informing that he was unable to attend hearing due to death of his close relative. He requested to adjourn the case to some other date.

9. As the onus lies on the appellant to prove that the said institute is a Public Authority under the RTI Act, one last opportunity was afforded to him to submit documentary evidence to vindicate his stand, failing which case would be decided on merit on the basis of documents placed on record. The case was adjourned for today.

10. Today, the appellant is not present without any intimation nor any documentary evidence has been submitted by him to prove that the said institute is a Public Authority under the RTI Act, 2005. It shows that he does not pursue the matter any further.

11. Accordingly, the case is **disposed of and closed**.

Sd/-

(Pawan Kumar Singla)
S.I.C.

Sd/-

(S.S. Channy)
C.I.C.

Dated : 13. 02. 2019

CC: PS/Hon'ble SIC(PKS) for the kind information of Hon'ble SIC (PKS)

PUNJAB STATE INFORMATION COMMISSION

Red Cross Bhawan, Near Rose Garden, Madhya Marg,

Sector: 16, Chandigarh.

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Shri K. K. Bhandari,
3661, Sector: 46-C,
Chandigarh.

-----Appellant

Vs

Public Information Officer
O/o Secretary, Punjab School Education Board,
Vidya Bhawan, Phse:8, Mohali – 160065.

First Appellate Authority
O/o Secretary, Punjab School Education Board,
Vidya Bhawan, Phse:8, Mohali – 160065.

-----Respondents

Appeal Case No. 4323 of 2018

Present:- Shri K. K. Bhandari, Appellant in person along with Shri Sudhir Bhatia.

Smt. Sukhwinder Kaur Saroya, PIO-cum-Controller; Smt. Neeru Sharma, Superintendent, RTI Cell and Shri Lakhi Ram, Superintendent (Certificate), on behalf of the respondents.

ORDER

This case was last heard on 14.01.2019, when none is present on behalf of the respondents without any intimation. The appellant informed that the PIO as well as the First Appellate Authority had denied the information to him. Consequently, after discussing the sought for information and hearing the appellant, the respondent PIO was directed to bring the original relevant record, in person, on the next date of hearing alongwith point-wise reply and explain the factual position of the position so that requisite admissible information could be provided to the appellant without any further delay. The case was adjourned for today.

2. Today, the respondent PIO has brought the original record for the perusal of the Commission and informs that complete record has already been provided to the appellant. The appellant expresses dis-satisfaction. Consequently, after perusing the record and hearing both

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the parties, the PIO is directed to get the relevant record inspected by the appellant on 27.02.2019 to identify the specific documents required by him and after identification supply duly attested copies of the same, on the spot.

3. To come up on **20.03.2019 at 1.00 P.M. for confirmation of compliance of orders.**

Sd/-
(Preety Chawla)
SIC

Sd/-
(S. S. Channy)
CIC

Dated : 13.02.2019

CC: PS/SIC(PC) for the kind information of Hon'ble SIC(PC)