

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
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Visit us: - www.infocommpunjab.com



Sh Sandeep Kumar, S/o Sh Om Parkash,
R/o Street NO-2, near Shanti Dev Mandir,
Patel Nagar, Malout, Distt Sri Mukatsar Sahib.

...Appellant

Versus

Public Information Officer,
O/o DFSC,
Pathankot.

First Appellate Authority,
O/o DFSC,
Pathankot.

...Respondent

Appeal Case No. 1910 of 2021

PRESENT: Sh.Sandeep Kumar as the Appellant
Ashok Kumar, Inspector, for the Respondent

ORDER:

The appellant, through an RTI application dated 22.12.2020 has sought information on seven points regarding the subsidised PDS Kerosene oil distributed during the 550th Parkash Purab of Guru Nanak Dev from 01.01.2019 to 09.12.2020 as per letter memo No.2S(78)/2019/1198 dated 04.10.2019 of Principal Secretary, Pb Department – List of dealers who lifted the oil along with the quantity of oil lifted and utilisation certificate received – allotment letter of oil –details of oil lifted by dealers from IPCL/HPCL/BPCL of Food Supply and other information as enumerated in the RTI application from the office of DFSC Pathankot. The appellant was not provided with the information after which the appellant filed a first appeal before the First Appellate Authority on 27.01.2021 which did not decide on the appeal.

The case was come up for hearing on 06.10.2021 through video conferencing at DAC Sri Mukatsar Sahib/Pathankot.
As per the appellant, the PIO has not supplied the information.

The respondent was absent nor represented.

Show cause was issued to PIO why penalty be not imposed on him under section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period. He/she should file an affidavit in this regard. If there are other persons responsible for the delay in providing the information, the PIO was directed to inform such person(s) of the show cause and direct them to appear before the Commission along with the written replies.

The PIO was again directed to provide information to the complainant within 15 days of the receipt of the order.

Hearing dated 13.07.2022

The case was come up for hearing today through video conferencing at DAC Sri Mukatsar Sahib/Pathankot. The appellant claims that information has not been supplied by the appellant.

Appeal Case No. 1910 of 2021

The PIO is absent nor represented.

The Commission is of the view that since the appellant has had to suffer undue inconvenience in getting the information, it is a fit case for awarding compensation to the appellant u/s 19(8)(b) of the RTI Act.

Hence, the current PIO-DFSC, Pathankot, is directed to pay an amount of **Rs.5000/-** via demand draft through Govt. Treasury as compensation to the appellant for the loss and detriment suffered by him on having to file the appeals and not getting information on time. The PIO is directed to duly inform the commission of the compliance of the order and submit evidence for having made the payment of compensation amount to the appellant.

Further, it is observed that Shri Sukhjinder Singh, DFSC-cum-PIO Pathankot (07.11.2019 to 05.04.2021) was the PIO when the RTI was filed (22.12.2020), and there is prima facie evidence that the application was not tended to as per the RTI Act.

One last opportunity is given to Shri Sukhjinder Singh, the then DFSC-cum-PIO now posted at Gurdaspur, to submit a reply to show cause notice before the next date of hearing.

The current PIO is directed to provide the sought information within a week.

To come up for further hearing on **21.11.2022 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Sri Mukatsar Sahib. The PIO is directed to attend the hearing at Chandigarh.

Chandigarh
Dated: 13.07.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

Cc by regd. post to :

Shri Sukhjinder Singh,
Distt. Food Supply &
Consumer Affairs,
GURDASPUR

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
Ph: 0172-2864114, Email: - psicsic30@punjabmail.gov.in
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Dr Babita Rani, D/o Sh Ram Sanehi Mittal,
R/o Abohar Road, Sri Mukatsar Sahib.

... Appellant

Versus

Public Information Officer,
O/o National Health Mission,
5th Prayaas Building, Sector-38,
Pb, Chandigarh.

First Appellate Authority,
O/o Director,
National Health Mission,
5th Prayaas Building, Sector-38,
Pb, Chandigarh.

...Respondent

Appeal Case No. 2536 of 2021

PRESENT: Dr.Babita Rani as the Appellant
Sh.Harjot Singh, APIO for the Respondent

ORDER:

The appellant, through an RTI application dated 23.02.2021 has sought information on eight points regarding the existence of a rule under which the National Health Mission vide letter dated 20.11.2020 has recommended action against the appellant without giving an opportunity of hearing – a copy of justification filed for the delay in the release of the budget which resulted in the release of salary for April as well as the rule under which acquitted and other information as enumerated in the RTI application from the office of National Health Mission, Pb Chandigarh. The appellant was not provided with the information provided, after which the appellant filed the first appeal before the first appellate authority on 12.04.2021, which took no decision on the appeal.

The case was come up for hearing on 05.10.2021 through video conferencing at DAC Sri Mukatsar Sahib/Mohali. As per the respondent, the information had been supplied to the appellant vide letter dated 19.05.2021 with a copy to the Commission.

The appellant was not satisfied and informed that the PIO had not supplied the information, and the reply dated 19.05.2021 is misleading.

Having gone through the RTI application and the reply of the PIO, the Commission observes that there was prima facie evidence that the PIO could have supplied a misleading reply and denied the information intentionally. The PIO was given one last opportunity to relook at the RTI application and provide point-wise information to the appellant within 15 days with a copy to the Commission otherwise, the commission will be constrained to proceed against the PIO under section 20 of the RTI Act.

Hearing dated : 13.07.2022

The case has come up for hearing today through video conferencing at DAC Sri Mukatsar Sahib. As per the appellant, she is not satisfied with the information supplied by the PIO.

The respondent pleaded that National Health Mission Punjab has no rules of its own as most of the staff are working as outsourced contractual employees. He further pleaded that the appellant is a regular Punjab Govt. employee working as SMO(PCMS) and her appointing authority is Director, Health & Family Welfare, Punjab. The respondent further pleaded that the Employees Conduct Rules of the office of Director Health & Family, Punjab will be applicable in this case and the same will be available in their office.

The PIO O/o the Director, Health & Family Welfare, Punjab, is impleaded as Respondent No.2, and the PIO O/o the Director, Health & Family Welfare, Punjab, is directed to provide point-wise information to the appellant before the next fixed date with a copy of the same to Commission. The PIO is to appear for the hearing at the Commission's office at Chandigarh.

The case is adjourned. To come up for further hearing on **21.11.2021 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Sri Mukatsar Sahib.

Chandigarh
Dated: 13.07.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

Copy by Regd. Post to :

Public Information Officer
O/o The Director,
Health and Family Welfare,
Punjab, Sector 34-A,
Chandigarh.



Sh Tejinder Singh,
Civil Court, Tehsil Complex,
Backside Sanjh Kender,
Phillaur.

... Appellant

Versus

Public Information Officer,
O/o Principal Secretary,
Health and Family Welfare Deptt,
Sector-34-A, Chandigarh.

First Appellate Authority,
O/o Principal Secretary,
Health and Family Welfare Deptt,
Sector-34-A, Chandigarh.

...Respondent

Appeal Case No. 1450 of 2021

PRESENT: None for the Appellant
None for the Respondent

ORDER:

The appellant, through RTI application dated 28.12.2020 has sought information regarding action taken on the complaint dated 15.10.2020 (filed in the office of CM Punjab, which forwarded it to Principal Secretary Health & Family Welfare on 02.12.2020) against doctors practising without a degree in Ludhiana, enquiry report and copy of the complaint and other information as enumerated in the RTI application. The information has been sought from the office of the Principal Secretary, Health and Family Welfare, Pb Chandigarh. The appellant was not provided with the information, after which the appellant filed the first appeal before the First Appellate Authority on 04.01.2021, which did not decide on the appeal.

The case came up for hearing on 13.09.2021 through video conferencing at DAC Ludhiana. Both the parties are absent.

The Commission has received a copy of the letter on 10.08.2021 from the office of Dy Director(RTI) O/o Director Health & Family Welfare vide which the PIO has transferred the RTI application to Civil Surgeon, Ludhiana u/s 6(3) of the RTI Act with the instruction to provide information to the appellant within five days.

Since the RTI application has been transferred to Civil Surgeon Ludhiana, the PIO-Civil Surgeon Ludhiana was impleaded in the case and directed to provide information to the appellant as per the RTI application transferred by the office of Director Health & Family Welfare vide letter dated 06.08.2021. A copy of the RTI application was attached with the order for the PIO- Civil Surgeon, Ludhiana for reference.

Hearing dated 13.07.2022 :

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

The PIO is absent nor is represented. However, a letter dated 07.01.2022 from the office of the Civil Hospital Ludhiana has been received in the Commission on 21.01.2022 stating therein that requisite information has been supplied to the appellant vide their letter dated 30.09.2022 which is taken on record.

The appellant claims that information has not been provided as per his RTI application.

Having gone through the RTI application and hearing the appellant, it is observed that the PIO is directed to relook into the matter and supply the information as per the RTI application within 15 days failing which penal proceedings under section 20 of the RTI Act will follow.

The case is adjourned. To come up for further hearing on **29.11.2022** at 11.00 AM at Chandigarh.

Chandigarh
Dated:13.07.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to PIO-Civil Surgeon,
Ludhiana