**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**](http://www.infocommpunjab.com)

 **Email:psic22@punjabmail.gov.in**

Sh. Raj Kumar Sethi,

#71-D, Rajguru Nagar,

Ludhiana Appellant

Versus

Public Information Officer

O/o Executive Officer,

Nagar Improvement Trust, Ludhiana

First Appellate Authority

O/o Addl. Chief Secretary to Govt. of Punjab,

Department of Local Govt. Plot No.3, Sector-35-A,

Sathanik Sarkar Bhawan, Chandigarh. Respondents

 **APPEAL CASE NO.105/2018**

 Date of RTI application :14.09.2017

Date of First Appeal :03.11.2017

Date of order of FAA : Reply 04.10.2017

Date of 2nd Appeal/complainant:23.12.2017

**Present: Sh. Raj Kumar Sethi, Appellant in person.**

1. **Sh. Jasbir Singh Dhanoa, Superintendent, LG – 2 Br.,**
2. **Sh. Abhisek, Sr. Assistant, LG 2 Br., Local Govt. Deptt.,**
3. **Sh. Paramjeet Singh, Assistant, Trust Service Cell, O/o Director, Local Government, Punjab – for Respondents.**

**ORDER**

 It should be read in continuation of the order passed by this forum on 23.08.2018.

 Sh. Paramjeet Singh, Assistant, representing the PIO in the Trust Service Cell, O/o Director of Local Government, Punjab, submits that the matter is under consideration regarding the approval of the resolution passed by the Improvement Trust towards restoration of the plot. This forum is intrigued to find that the office is sitting over the file to approve the resolution passed by the Improvement Trust over a year without any plausible explanation. A vital interest of the appellant is at stake. The Commission shall be constrained to draw adverse inference of a motivated apathy if the appellant is not appropriately informed after taking an appropriate decision. Be it noted that the PIO is already under show cause notice of imposition of penalty. Any further non-chalance shall render him inescapably liable for penal consequences.

To come up on **16.10.2018 at 11.30 AM.**

 **Sd/-**

**13.09.2018 (Yashvir Mahajan)**

 **State Information Commissioner**

**CC: The PIO – cum – Superintendent, Trust Service Cell, O/o Director of Local Government, Punjab, Sathanik Sarkar Bhawan, Plot No. 3 A, Sector 35 A, Chandigarh, for n/a.**

**CC: The Director of Local Govt., Punjab, Sathanik Sarkar Bhawan, Plot No. 3 A, Sec.35 A, Chandigarh, for n/a.**

**PUNJAB STATE INFORMATION COMMISSION**

**RED CORSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGARH**

**Tele No. 0172-2864112, FAX No. 0172-2864125, Visit us @** [**www.infocommpunjab.com**](http://www.infocommpunjab.com)

**Email:psic22@punjabmail.gov.in**

Mohammad Aslam,

Punjab Waqf Board,

First Floor, Sector 22B,

Chandigarh. Appellant

Versus

Public Information Officer,

O/o Chief Executive Officer,

Punjab Waqf Board,

SCO-1062-63, Sector 22B,

Chandigarh.

First Appellate Authority,

O/o Chairman,

Punjab Waqf Board,

SCO-1062-63, Sector 22B,

Chandigarh. Respondents

**Appeal Case No.1627/2018**

Date of RTI application: 20.11.2017

Date of First Appeal : 17.01.2018

Date of Order of FAA or Reply: Nil

 Date of 2nd Appeal/complaint: 08.05.2018

**Present: Sh. Mohammad Aslam, Appellant in person.**

**Sh. T.H. Falahi, PIO – cum – Education Development Officer, Pb. Wakf Board, Chd. – for Respondents.**

**Order**

The following order was passed by the Commission on 23.08.2018:

 *“The appellant is seeking the information concerning his personnel matters as he has suffered a demotion. Primarily he is seeking the copy of seniority list of the officials in his cadre and other connecting issues.*

 *The proxy of the respondents, Sh. Shakeel Ahmed is taking a vague plea and making some wishy-washy excuses to deny him the information. The appellant per-se is entitled to the information under the Civil Services Rules as applicable on the respondents. Even his approach through RTI has been stone-walled. The original application has been filed on 20.11.2017. Despite the lapse of seven months they have neither intimated to the applicant nor provided any information. It is blatant violation of the provision of the law.*

 *The PIO (by name) is issued a show cause notice to explain in a self- attested Contd….page…2*

 *-2-*

***Appeal Case No.1627/2018***

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

 *“The case has come up today. Mohammad Nasir, officiating S.O. has brought along the information which has been handed over on spot to the appellant. From its cursory glance it appears that the copies of the original seniority list in the case of Section Officers, Estate Officers, Accountants etc. has not been provided. Rather a hastily drawn fresh seniority list without the concomitant information, has been provided.*

 *The respondents are trying to mislead the information seeker as well as the Commission. The Commission takes it as a willful denial under Section 7(1) of the Act punishable under Section 20(1) of the RTI Act as enunciated in the SCN earlier. A final opportunity is afforded again to the respondents to provide him the information and file a reply to the SCN already issued.”* The PIO has brought along the information. However the same being uncertified was refused by the appellant. The same has been got certified on spot by the respondent. The appellant is still dissatisfied about the adequacy of the information provided. The respondents are directed to file an affidavit with the Commission that no more information with reference to his application is available before the next date positively.

 To come up on **27.09.2018 at 11.30 AM.**

 **Sd/-**

**13.09.2018 (Yashvir Mahajan)**

 **State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

**RED CORSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGARH**

**Tele No. 0172-2864112, FAX No. 0172-2864125, Visit us @** [**www.infocommpunjab.com**](http://www.infocommpunjab.com)

 **Email:psic22@punjabmail.gov.in**

Sh. Hakam Parshad,

S/o Sh. Hazari Lal,

R/o #180, Sector 20-C,

Subhash Nagar,

Mandi Gobindgarh Appellant

Versus

Public Information Officer,

O/o Sub Divisional Magistrate,

Kharar, S.A.S Nagar.

First Appellate Authority,

O/o Deputy Commissioner,

District Administrative Complex,

Sector-76, S.A.S Nagar Respondents

**APPEAL CASE NO.1201/2018**

Date of RTI application: 14.09.2017

Date of First Appeal : 09.02.2018

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint: 05.02.2018

**Present: Sh. Vivek Kumar on behalf of the Appellant.**

**None on behalf of the Respondents.**

**ORDER**

 The respondents are absent. The Commission understands that the PIO and the staff of the respondents possibly are occupied with the conduct of Zila Parishad and Panchayat Samiti Elections. Final opportunity is afforded to them to comply with the order passed by the Commission on 23.08.2018 failing which it shall be constrained to penalize them in accordance with the show cause notice already issued to them.

 To come up on **18.10.2018 at 11.30 AM.**

 **Sd/-**

**13.09.2018 ( Yashvir Mahajan )**

 **State Information Commissioner**

**CC: The Sub Divisional Magistrate, Kharar, for n/a.**

**Cc: Sh. Ravinder Kumar Bansal, Tehsildar, Kharar, Distt. Mohali, for n/a.**

**PUNJAB STATE INFORMATION COMMISSION**

**RED CORSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGARH**

**Tele No. 0172-2864112, FAX No. 0172-2864125, Visit us @** [**www.infocommpunjab.com**](http://www.infocommpunjab.com)

**Email:psic22@punjabmail.gov.in**

Sh. Ram Kishan Sharma,

Block B/45/507,

Chowk Arya Samaj,

Patiala. Appellant

Versus

Public Information Officer

O/o Executive Officer,

Nagar Improvement Trust,

Patiala.

First Appellate Authority,

O/o Regional Deputy Director,

Local Government,

Mini Secretariat, Block A,

Patiala. Respondents

**APPEAL CASE NO.1833/2018**

Date of RTI application: 26.02.2018

Date of First Appeal : 04.04.2018

Date of Order of FAA or Reply : 24.04.2018

 Date of 2nd Appeal/complaint: 22.05.2018

**Present: None.**

**ORDER**

 None is present on behalf of the Parties.

 The matter is deferred to be heard on **16.10.2018 at 11.30 AM.**

 **Sd/-**

**13.09.2018 (Yashvir Mahajan) State Information Commissioner**