

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,

Sector 16, Chandigarh.

Ph: 0172-2864114, Email: - psicsic30@punjabmail.gov.in

Visit us: - www.infocommpunjab.com



Sh Suresh Kumar, S/o Sh Om Parkash,
1 nd 2nd Floor, Ward NO-20,
Piara Lal Thekedar Street, Mansa.

... Appellant

Versus

Public Information Officer,
O/o Deputy Commissioner,
Mansa.

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

...Respondent

Appeal Case No. 3316 of 2021

**PRESENT: Sh.Suresh Kumar as the Complainant
Sh.Sukhraj Singh Dhillon, PIO-cum-DRO Mansa for the Respondent**

ORDER:

The appellant through the RTI application dated 17.07.2020 has sought information regarding a copy of the application dated 06.03.2020 alongwith action taken thereon and enquiry report, noting etc. as enumerated in the RTI application from the office of DC Mansa. The appellant was not provided with the information after which the complainant filed a first appeal before the first appellate authority on 19.09.2020 which took no decision on the appeal.

The case first came up for hearing on 03.02.2021 before Ms.Preeti Chawla, State Information Commissioner when the respondent stated that the information available in the record has been provided to the appellant. The appellant was absent. The case was adjourned.

On the next date of hearing on 22.06.2021, the appellant was again absent. The appellant was given one more opportunity to appear, and the case was adjourned. On the date of the hearing on 16.08.2021, the appellant was present and informed that the PIO has not supplied the complete information. The PIO was directed to send a copy of the information to the Commission before the next date of the hearing.

The case came up for hearing before this Bench on 13.04.2022 through video conferencing at DAC Mansa. The respondent informed that the information containing 64 pages had already been sent to the appellant vide letter dated 02.02.2021.

However, the PIO had not sent a copy of the information to the Commission as per the earlier order dated 16.08.2021.

The appellant was absent.

The PIO is directed to send a copy of the information to the Commission.

The appellant was directed to point out the discrepancies in the provided information in writing to the PIO and the PIO was directed to sort out the same.

Hearing dated 13.09.2022:

The case has come up for hearing today through video conferencing at DAC Mansa. The appellant is present at Chandigarh and claims that the PIO has not supplied the information.

Appeal Case No. 3316 of 2021

The respondent has brought the information. The respondent further informed that the appellant had filed complaints regarding a wrong transfer of ownership/Vasika No.5956 dated 26.02.2020 with the office of DC Mansa (on 27.02.2020), ADC Mansa (on 06.03.2020) and SDM Mansa (on 27.02.2020 & 28.02.2020). The DC Mansa sent the complaint of the appellant dated 06.03.2020 to SDM Mansa for enquiry. The record was collected from the enquiry branch, and the reply/information (64 pages) was sent to the appellant vide letter dated 02.02.2021 through a messenger. However, the wife of the appellant refused to receive the information. Thereafter, the reply/information was again sent to the appellant through registered post on 19.02.2021. The PIO has also sent a copy of reply to the Commission which has been taken on record.

The PIO is directed to deliver/provide action taken report alongwith noting/correspondence to the appellant by hand and report for compliance on 11.10.2022,

The case is adjourned. To come up for compliance **on 11.10.2022 at 11.00 AM** through video conferencing at DAC Mansa.

Chandigarh
Dated: 13.09.2022

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh Rohit Sharma,
Chamber NO-320, Lawyers Chamber,
2nd Floor, Distt courts, Bathinda.

... Complainant

Versus

Public Information Officer,
O/o Civil Surgeon,
Ludhiana.

...Respondent

Complaint Case No. 1085 of 2021

PRESENT: None for the Complainant
Dr.Amrit Lal, Medical Officer-Civil Hospital Ludhiana for the Respondent

ORDER:

The complainant, through an RTI application dated 06.07.2021, has sought information on 04 points regarding detailed procedure followed as per PC PNDT Act for printing new Form-F – provision/circular/order to buy form-F from Red Cross Society – order/circular to bar or not allowed to print the form-F – order prohibiting the use of xerox copy of form F etc. as enumerated in the RTI application from the office of Civil Surgeon, Ludhiana. The complainant was not provided with the information after which the complainant filed a complaint in the Commission on 25.08.2021.

The case came up for hearing on 13.04.2022 through video conferencing at DAC Ludhiana. As per the respondent Sh.Mandeep Singh, they did not receive the RTI application since the earlier clerk Sh.Ajay Kumar, who was dealing with the RTI application, has expired.

The complainant was absent nor was represented.

Since there was a prima facie evidence of a delay of more than eight months in providing the information, the Commission having taken a serious view of this, issued a **show cause notice to the PIO under section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period and directed to file reply on an affidavit.**

Hearing dated 13.09.2022:

The case has come up for hearing today through video conferencing at DAC Bathinda/Ludhiana.

The respondent present pleaded that the reply/information has been sent to the appellant vide letter dated 15.07.2022 with a copy to the Commission.

The appellant is absent nor is represented.

The PIO is absent nor has filed reply to the show cause notice. As per the respondent, PIO is at Chandigarh for a meeting. The respondent is also without authorization.

One more opportunity is given to the PIO with the direction to file reply to the show cause notice and appear personally on the next date of hearing, otherwise it will be presumed that the PIO has nothing to say on the matter and the decision will be taken ex-parte.

Complaint Case No. 1085 of 2021

To come up for further hearing on **12.12.2022** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Bathinda. The PIO to appear at DAC Ludhiana.

Chandigarh
Dated: 13.09.2022

Sd/-
(Khushwant Singh)
State Information Commissioner



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
None 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 with the information after which the complainant filed a complaint in the Commission on 16.02.2021.

The case last came up for hearing on 12.07.2021 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 was 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 are to be provided. The appellant has agreed to the same.
- Point-D - PIO to send appropriate reply

On the date of last hearing on **11.11.2021**, **the** PIO was absent. The Commission received a copy of a letter dated 15.07.2021 from the PIO via an email in which the PIO claimed to have sent the information to the appellant.

Complaint Case No. 215 of 2021

The appellant claimed that he has received the information on point-B & D but the PIO has not supplied the information on points A & C.

The PIO was given one more opportunity to provide information on point-A & C to the appellant within 10 days with a copy to the Commission otherwise the Commission will be constrained to initiate action against the PIO under the provisions of section 20 of the RTI Act.

The case came up for hearing on 20.04.2022 through video conferencing at DAC Fazilka. Both the parties were absent.

Earlier order stands. The case was adjourned.

Hearing dated 13.09.2022:

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

The respondent is absent on 3rd consecutive hearing nor has complied the order of the Commission.

Keeping the above-mentioned facts of the case, it is clear that the PIO-SMO, Civil Hospital, Fazilka is flouting the spirit of the RTI Act continuously. The PIO has not only ignored the Commission's repeated orders to provide the information but has shown continuous absence before the commission, despite various orders of the Commission.

To secure an erring PIO's presence before the commission, the Information Commission is empowered to issue warrants to the PIO Under Section 18(3) of the RTI Act. A bailable Warrant of the PIO-SMO, Civil Hospital, Fazilka is hereby issued through Senior Superintendent of Police, Fazilka for his presence before the Commission on **06.12.2022**.

To come up for further hearing on **06.12.2022** at 11.00 AM at Chandigarh.

Chandigarh
Dated : 13.09.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

**BAILABLE WARRANT OF PRODUCTION
BEFORE
SHRI KHUSHWANT SINGH
STATE INFORMATION COMMISSIONER,
PUNJAB AT CHANDIGARH**

In case: Vivek Baghla V/s PIO-cum-Sr. Medical Officer, Civil Hospital, Fazilka.

APPEAL CASE NO.215/2021

UNDER SECTION 18 OF THE RIGHT TO INFORMATION ACT, 2005

Next Date of Hearing: 06.12.2022

To

**The Senior Superintendent of
Police, Fazilka**

Whereas PIO-cum-Sr. Medical Officer, Civil Hospital Fazilka has failed to appear before the State Information Commissioner, Punjab despite the issuance of notice/summon in the above mentioned appeal case. Therefore, you are hereby directed to serve this bailable warrant to the PIO-cum-Sr. Medical Officer, Civil Hospital Fazilka to appear before the undersigned at Red Cross Building, Near Rose Garden, Sector 16, Chandigarh on **06.12.2022 at 11.00A.M.**

**Chandigarh
Dated:13.09.2022**

**(Khushwant Singh)
State Information Commissioner**



Sh Makhan Singh, s/o Sh Jagir Singh,
Village Bika, Distt SBS Nagar.

... Appellant

Versus

Public Information Officer,
O/o Sub Divisional Magistrate,
Banga.

First Appellate authority,
O/o Sub Divisional Magistrate,
Banga.

...Respondent

Appeal Case No. 887 of 2021

PRESENT: Sh.Makhan Singh as the Appellant
Sh.Daljit Singh, Sr.Assistant for the Respondent

ORDER:

The appellant through an RTI application dated 14.08.2020 has sought information regarding an Activa scooter purchased by Gurdeep Singh – the cost of the Activa scooter – a copy of the receipt of the first payment made by Gurdeep Singh and other information as enumerated in the RTI application concerning the office of SDM Banga. The appellant was not satisfied with the reply of the PIO dated 22.10.2020 after which the appellant filed first appeal before the first appellate authority on 22.11.2020 which took no decision on the appeal.

The case first came up for hearing before Ms.Preeti Chawla, State Information Commissioner on 02.06.2021. The respondent was absent. The respondent was given one more opportunity to appear before the Commission and reply.

On the date of the next hearing 28.07.2021, the respondent was again absent nor had supplied the information. The PIO was issued a show cause notice u/s 20 of the RTI Act and directed to file a reply as well as appear before the Commission on the next date of hearing.

On the date of the hearing on 24.08.2021, the appellant was absent and informed telephonically that the PIO has not supplied the complete information.

Sh.Daljit Singh, appeared on behalf of the respondent PIO and informed that the available information has been supplied to the appellant. The PIO however failed to file a reply to the show cause notice. The PIO was given one more opportunity to file a reply to the show cause notice before the next date of hearing.

On the next date of hearing on 11.05.2022, both the parties were absent.

The PIO has, however, did not file any reply to the **show cause notice** issued on 28.07.2021. The PIO was given one last opportunity to file a reply to the show cause notice otherwise it will be presumed that the PIO has nothing to say on the matter and the Commission will decide penal action against the PIO under section 20 of the RTI Act.

The case was adjourned.

Hearing dated 13.09.2022:

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

The respondent present pleaded that the information has already been provided to the appellant. The respondent further informed that the appellant had earlier also filed a similar appeal case for seeking exactly the same information(earlier asked for information for Motor Cycle purchased from Bajaj Agency) (but in this case has asked for information for Active Scooter purchased from Rai Agency) which was disposed of by Sh.Suresh Arora, Chief Information Commissioner on 19.10.2021 with the order that “since the matter relating to behavior of the Bajaj Agency to recover the instalments from the appellant relates to the police department, the respondent is advised to send the complaint of the appellant to the concerned authorities for further action as per law.”

The respondent further informed that in this case, enquiry has now been done by SDM Banga. However, the same has been marked to DSP Banga for further investigation which is still pending with the DSP Banga.

Hearing both the parties, the PIO is directed to provide a copy of enquiry report of the enquiry conducted by SDM Banga to the appellant.

To come up for further hearing on **20.12.2022** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, SBS Nagar. .

Chandigarh
Dated: 13.09.2022

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh Mohabbat Pal Singh, S/o Sh Brahamn Simngh,
Village Sahijbaazpur, Tehsil Nawanshehar.

... Appellant

Versus

Public Information Officer,
O/o District Food Supply and
Consumer Affairs,
SBS Nagar.

First Appellate authority,
O/o the Director,
Food Civil Supplies and Consumer Affairs,
Sector-39-C, Chandigarh.

...Respondent

Appeal Case No. 4020 of 2021

PRESENT: None for the Appellant
Sh.Harish Kumar, AFSO for the Respondent

ORDER:

The appellant through an RTI application dated 10.05.2021 has sought information regarding details of wheat received by depot holders Paramjit Singh, Krishan Lal and Ram Sarup from 31.03.2015 to 31.03.2021 and distributed to beneficiaries – a copy of gate pass and other information as enumerated in the RTI application concerning the office of DFSC SBS Nagar. The appellant was not provided with the information after which the appellant filed the first appeal before the first appellate authority on 17.06.2021 which took no decision on the appeal.

The case last came up for hearing on 11.05.2022 through video conferencing at DAC SBS Nagar. As per the appellant, the PIO has not supplied the information.

As per the respondent, the reply has been sent to the appellant vide letter dated 06.01.2022 that since as per HO letter dated 24.09.2022, the record relating to depot holders is retained for only one year, the information cannot be provided.

Having gone through the record, the Commission observes that the RTI application was filed on 10.06.2021 whereas the reply has been sent on 06.01.2022 with a delay of more than six months. 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 not supplying the information within the statutorily prescribed period of time. The PIO should file an affidavit in this regard.**

The case was adjourned.

Hearing dated 13.09.2022:

The case has come up for hearing today through video conferencing at DAC SBS Nagar. The respondent present pleaded that the information for the years 2017 and 2018 for all depot holders has been supplied to the appellant. However, the record regarding the years 2015 & 2016, is not available with the respondent since the same was in the custody of Sh.Narinder Kora-AFSO who has expired.

Appeal Case No. 4020 of 2021

The appellant is absent nor is represented.

The PIO has however, not filed reply to the show cause notice. The PIO is given one last opportunity to file reply to the show cause notice otherwise it will be presumed that the PIO has nothing to say on the matter and the decision will be taken ex-parte.

To come up for further hearing on **20.12.2022** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, SBS Nagar .

Chandigarh
Dated: 13.09.2022

Sd/-
(Khushwant Singh)
State Information Commission

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.

Ph: 0172-2864114, Email: - psicsic30@punjabmail.gov.in
Visit us: - www.infocommpunjab.com



Sh Balram S/o Sh Ram Narain,
R/o Village Dharampura,
Tehsil Abohar, Distt Fazilka.

... Appellant

Versus

Public Information Officer,
O/o Director,
Health & Family Welfare,
Sector-34, Chandigarh.

First Appellate Authority,
O/o Secretary,
Health & Family Welfare,
Sector-34, Chandigarh.

...Respondent

Appeal Case No. 340 of 2022

PRESENT: Sh.Balram as the Appellant
None for the Respondent

ORDER:

The appellant through an RTI application dated 20.09.2021 has sought information on 06 points regarding copy of application dated 08.06.2021 filed for reinvestigation of the enquiry on the complaint filed against Dr.Aman Nagpal of Civil Hospital Abohar –copy of letter vide which the enquiry was marked to the enquiry officer – notice issued to both parties by enquiry officer – statement of both parties- statement of witnesses of Dr.Aman Nagpal – copyof enquiry report as enumerated in the RTI application concerning the office of Director Health and Family Welfare, Pb Chandigarh. The appellant was not satisfied with the reply of the PIO dated 30.09.2021 (vide which the PIO provided information relating to point 1 & 2 and transferred the RTI application to Civil Surgeon Fazilka for information relating to point 3 to 6) after which the appellant filed a first appeal before the First Appellate Authority on 26.10.2021 which took no decision on the appeal.

The case first came up for hearing on 28.06.2022 through video conferencing at DAC Fazilka. As per the appellant, the PIO has not supplied the complete information.

The respondent present pleaded that the information on point-1 & 2 has been provided by the office of Director Health & Family Welfare, Pb, Chandigarh. Regarding points 3 to 6, the RTI application was transferred to them by the office of DHS Punjab. The respondent further informed that since Dr.Sudhir Pathak who was to provide the information has retired last year no enquiry was conducted since no SMO was posted. Now a Committee has been constituted and the enquiry is pending.

Hearing both the parties, the PIO-Civil Surgeon Fazilka was directed to provide the information relating to points 3 to 6 and if the information is not available, to give in writing on an affidavit. The case was adjourned.

Hearing dated 13.09.2022:

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

The respondent is absent nor is represented.

During the last hearing, the respondent had informed that the information is not available since no enquiry was conducted as no officer was posted. The Commission had ordered the respondent that if the information is not available, the PIO to file an affidavit that the enquiry is pending, which has not been filed.

The PIO is given one more opportunity to comply with the earlier order of the Commission, which still stands, and directed to provide complete information. If the information is not available, the PIO to file an affidavit that no enquiry has been conducted during the period when the RTI application was filed.

To come up for further hearing on **06.012.2022 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner Fazilka.

Chandigarh
Dated: 13.09.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to PIO-Civil Surgeon, Fazilka.