

# PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,  
Sector 16, Chandigarh.

Ph: 0172-2864101, Fax 0172 2864110 Helpline 01722864100

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Sh. Gurdeep Singh Kahlon S/o Late Sh. Boorh Singh,  
C/o Kahlon Association,  
Opposite Gurudwara Sri Kutia Sahib,  
Jamalpur,  
Chandigarh Road,  
Ludhiana-141010.M : 9779508115

Complainant

Vs

Public Information Officer,  
O/o Director,  
Information and Public Relations Department , PB ,  
Chandigarh.

....Respondents

Complaint Case No. 643 of 2020

(Video Conference/Cisco Webex/Phone proceedings)

Present:- None on behalf of the complainant  
Sh. Pardeep Sr. Asstt. 9463120146 on behalf of the respondents.

ORDER

The RTI application is dated 30.5.2020 vide which the complainant has sought information as enumerated in his RTI application. Complaint was filed in the Commission on 10.9.2020 under Section 18 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today.

2. A SMS has been received from the complainant that he is not able to attend the hearing and requested for the adjournment of the case.
3. According to the submissions of the complainant , the case is adjourned.
4. To come up on 4.1.2021 at 12.30 PM at Chandigarh.

Dated: 13.11.2020

sd  
(Suresh Arora)  
Chief Information Commissioner,  
Punjab.

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C/o Kahlon Association,  
Opposite Gurudwara Sri Kutia Sahib,  
Jamalpur,  
Chandigarh Road,  
Ludhiana-141010.  
M : 9779508115

Complainant

Vs

Public Information Officer,  
O/o Chief Minister, PB,  
Chandigarh.

....Respondents

Complaint Case No. 646 of 2020

(Video Conference/Cisco Webex/Phone proceedings)

Present:- None on behalf of the complainant  
Sh. Pardeep Sr. Asstt. 9463120146 on behalf of the respondents.

ORDER

The RTI application is dated 9.7.2020 vide which the complainant has sought information as enumerated in his RTI application. Complaint was filed in the Commission on 10.9.2020 under Section 18 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today.

2. A SMS has been received from the complainant that he is not able to attend the hearing and requested for the adjournment of the case.
3. According to the submissions of the complainant , the case is adjourned.
4. To come up on 26.11.2020 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, District Ludhiana /cisco webex.

sd/

Dated: 13.11.2020

(Suresh Arora)  
Chief Information Commissioner,  
Punjab.

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Sh. Sarbjit Singh, (M 9888490031)  
Whistle Blower Social Worker,  
H.No. S60-35, P 376-1, Street No. 8,  
Maha Singh Nagar, PO DhandarKalan,  
Ludhiana.

..Appellant

Public Information Officer,  
o/o, Deputy Commissioner,  
Ludhiana.

First Appellate Authority,  
o/o, Deputy Commissioner,  
Ludhiana.

Sh. Ashwani Sahota, Chief Sanitary Inspector (Registered)  
Public Information Officer  
o/o The Commissioner,  
Municipal Corporation,  
Ludhiana.

..Respondents

## Appeal Case No. 1175 of 2020

(Video Conference Proceedings)

Present:- None on behalf of the appellant.

Dr. Vipul Malhotra and Sh. Ashwani Sahota on behalf of the respondents.

### ORDER

This order may be read with reference to the previous order dated 29.9.2020.

2. The representative of the respondents states that the complete information has already been provided to the appellant vide No. 6671 dated 15.9.2020 and a letter bearing No. 6734 dated 13.11.2020 is written by the Municipal Corporation, District Ludhiana in this regard is taken on record.

3. In the letter dated 13.11.2020 written by the respondents it has mentioned that the orders of the Commission dated 29.9.2020 has been received by the Health officer through whatsapp on 12.11.2020. But later on, the Health officer states that the said orders of the Commission has been received from the Superintendent of the Municipal Corporation, District Ludhiana.

4. No reply has been received from Sh. Ashwani Sahota with regard to the show cause notice issued to him. One last opportunity is granted to Sh. Ashwani Sahota to file the reply of the show cause notice failing which the ex-parte decision will be taken on the next date of hearing.

5. As nobody is present on behalf of the appellant, therefore, the case is adjourned.

6. To come up on 12.1.2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, District Ludhiana /cisco webex.

sd

Dated: 13.11.2020

(Suresh Arora)

Chief Information Commissioner,  
Punjab.

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Shri Ravinder Singh S/o Sh. Karam Singh, 95011-07000

R/o H. No. 169,

Moti bagh colony,

Village - Phulawal, District - Ludhiana.

Appellant

Vs

Public Information Officer,

o/o Block Development and Panchayat Officer,

Ludhiana-1, PAU Campus,

District -Ludhiana.

First Appellate Authority,

O/o Addl. Deputy Commissioner,

Mini Secretariat,

Ludhiana.

Sh. Harbhajan Singh, Panchayat Secretary **Registered**

Sh. Hardip Singh Grewal, V.D.O **Registered**

Sh. Kiranpal Singh, Panchayat Secretary, **Registered**

Sh. Kamal Bharti, Panchayat Secretary **Registered**

c/o Block Development and Panchayats Officer,

Ludhiana-1, PAU campus,

Ludhiana.

..Respondents

## Appeal Case No. 1753/2020

### (Cisco Webex Proceedings)

Present:- Sh. Ravinder Singh, appellant.

Sh. Kamal Bharti, Panchayat Secretary 7888597229 on behalf of the respondents.

#### ORDER

This order may be read with reference to the previous order dated 7.10.2020.

2. The appellant states that no information has been provided by the respondents so far. The respondent-Public Information Officer states that he has joined as Panchayat Secretary and is the Public Information Officer in this case. He also assured that the information pertaining to the RTI application will be supplied to the appellant.

3. A show cause notice was issued to Shri Kiranpal Singh, Panchayat Secretary-cum-Public Information Officer neither he supplied the information nor any submission/reply has been received from him. A copy of the letter bearing No. 3755 dated 5.11.2020 of the Block Development and Panchayats Officer, Ludhiana -1 is received in the Commission, which is taken on record, vide which Sh. Kiranpal Singh, Panchayat Secretary has been informed telephonically about the today's hearing in this case. Even though Sh. Kiranpal remained absent.

4. The perusal of the file and the conduct of the respondent-PIO compelled the Commission to issue him a formal show cause notice on 07.10.2019 as to why action under Section 20(1) of the RTI Act 2005 should not be taken against him and he was also provided an opportunity to file his written reply and also make use of opportunity of personal hearing under the principles of natural justice.

5. Since the responsibility to ensure timely transmission of the information to the appellant lies on the PIO, Shri Kiranpal Singh, Panchayat Secretary o/o Block Development

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Appeal Case No. 1753/2020

-2-

and Panchayats Officer, Ludhiana-1 is hereby held guilty for not providing the information on time as prescribed under Section 7 of the RTI Act, 2005, which is within 30 days of the receipt of the request for supply of information and for repeated and wilful defiance of the Punjab State Information Commission's orders.

6. Such kind of failure on the part of the respondent-PIO is totally unacceptable. It is pertinent to mention here that RTI Act has been enacted to ensure participative nature of management between the public & the public authorities and also to know as to what is happening behind the closed doors with regard to the governance affairs of the public authorities and their functioning.

7. After giving thoughtful consideration and due perusal of the facts of the case and the material available on record, I have come to the conclusion that he has failed to perform his duty as per the mandate of the RTI Act, which requires the public servant to ensure due transparency and accountability in its functioning. It has also come out that he has not only failed to perform his duty at his own level but also has shown his casual approach in complying with the explicit order of the Commission.

8. It has been further established from his conduct that he has failed to provide the information even after getting formal show cause notice from the Commission. This speaks volumes as to how much respect & regard he has in his mind to the provisions of the RTI Act, which mandates that all public authorities will ensure that the RTI Act, 2005 is duly implemented by them, whenever any citizen approaches the public authority to get any public information for which they have right to ask for as per the provisions of RTI Act. In view of the facts mentioned herein, I am of the considered view that PIO, Shri Kiranpal Singh, Panchayat Secretary o/o Block Development and Panchayats Officer, Ludhiana-1 should be penalised for his negligence in discharge of his statutory duty prescribed under the RTI Act. All his failure make me believe that his sheer neglect to perform his duties will be met only after he is duly taken to task as per the provisions of the RTI Act i.e. Section 20(1), which provides that any delay on the part of the respondent-PIO beyond 30 days is to be penalized @ 250/- per day and to the maximum of Rs. 25000/-

9. Under these circumstances, I am left with no other option but to decide the question of imposition of penalty and quantum thereof upon PIO, Shri Kiranpal Singh, Panchayat Secretary o/o Block Development and Panchayats Officer, Ludhiana-1 as per the provisions of the RTI Act i.e. Section 20(1) of the RTI Act, 2005. In this case the intervening period is too large, the respondent-PIO failed to comply with the orders of the Commission. Accordingly, a penalty of Rs. 5000/- (Rupees Five thousand only) is imposed on him.

10. The amount of penalty i.e. Rs. 5000/- (Rupees Five thousand only) should be deducted from his salary in two installments and be deposited in the Government treasury under head "0070-Other Administrative Services-60-Other Services-800-Other Receipts-86-Fees under the Right to Information Act. The District Development and Panchayats Officer/Block Development and

Contd..P/3

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Appeal Case No. 1753/2020

-3-

Panchayats Officer concerned shall ensure that this amount of penalty is deducted from the salary of the above said defaulting official for the month of November, 20120 and December, 2020 and deposited in the Treasury under the relevant head and sent compliance report to the Commission on or before 20.01.2021.

11. Further the Commission is of the view that since the appellant has had to suffer undue inconvenience to get the information, it is a fit case for awarding compensation to the appellant under Section 19(8)(b) of the RTI Act.

12. PIO, Shri Kiranpal Singh, Panchayat Secretary o/o Block Development and Panchayats Officer, Ludhiana-1 is directed to pay an amount of Rs.10000/- (Rupees Ten thousand only) via demand draft drawn through Government Treasury (to be paid by the office from the State Exchequer) as compensation to the appellant for the loss and detriment suffered by him of having to file the appeals and not getting the information in time. The PIO is directed to duly inform the Commission of the compliance of the order and submit proof of having compensated the appellant.

13. The present respondent-PIO is directed to intimate the appellant after taking appropriate action on the application dated 04.12.2019 for seeking information with a copy to the Commission before the next date of hearing as per the assurance given by him failing which the penalty provisions will be invoked on the next date of hearing.

14. To come up on 12.1.2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, District Ludhiana /cisco webex.

sd/

Dated: 13.11.2020

(Suresh Arora)  
Chief Information Commissioner,  
Punjab.

CC

Block Development and Panchayat Officer,(By Name)

For Compliance

REGD.

Ludhiana-1, P.A.U. Campus , District-Ludhiana.

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Sh. Amarjit Singh Dhamotia 9888490031

H.No.. 60-35 P 376-1 street No. 8,

Maha Singh Nagar,

P.O. Dhandari Kalan, Ludhiana.

..Appellant

Public Information Officer,  
o/o Deputy Commissioner,  
Ludhiana.

First Appellant Authority,  
o/o Deputy Commissioner,  
Ludhiana.

..Respondents

Appeal Case No. 1816 of 2020

Present:- None on behalf of the appellant.

Sh. Gurmit Singh, NSK branch 7696681960 on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 7.10.2020.

2. As nobody is present on behalf of the appellant, therefore, the case is adjourned.
3. To come up on 12.1.2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, District Ludhiana /cisco webex.

Dated: 13.11.2020

sd  
(Suresh Arora)  
Chief Information Commissioner,  
Punjab.

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S. Jasbir Singh,  
Village - Bolapur.  
Jhabewal, PO - Ramgarh,  
District - Ludhiana. M : 9888296107

..Appellant

Vs

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

First Appellate Authority  
O/o Deputy Commissioner,  
Ludhiana.

....Respondents

Appeal Case No. 2010/2020  
(Cisco Webex proceedings)

Present:- Sh. Jasbir Singh, appellant.  
Sh. Prabhjot Singh, HRC Branch 7973562511 on behalf of the respondents.

## ORDER

This order may be read with reference to the previous order dated 22.9.2020.

2. The representative of the respondents states that the information has already been sent to the appellant vide No. 1055 dated 16.6.2020. In the said letter, it has mentioned that "ਸੂਚਨਾ ਇਸ ਦਫਤਰ ਵਿੱਚ ਉਪਲਬਧ ਨਹੀਂ ਹੈ". On the other hand, the appellant has alleged that the information is available in the office and the office is misleading the Commission. In addition, the appellant also states that the same information he has sought in a different case by filing the 2<sup>nd</sup> appeal in the Commission and he can submit the copy of the same.

3. According to the submissions of the appellant, he was advised to disclose the case number of the Punjab State Information Commission but he states that he will inform the office after the hearing. But till 5 O'clock no such information received from the appellant despite the office contacted him.

4. Accordingly, the appellant is advised to provide the case number of the Punjab State Information Commission in which he has sought the same information before the next date of hearing. Also the respondent-Public Information Officer is directed to file the reply regarding the status of the audit reports as has been sought by the appellant viz a viz the letter issued to the appellant dated 16.6.2020.

5. To come up on 12.1.2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, District Ludhiana /cisco webex.

Dated: 13.11.2020

sd  
(Suresh Arora)  
Chief Information Commissioner,  
Punjab.



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Shri Jasbir Singh  
Village Bholapur, Jhabewal,  
Post Office, Ramgarh,  
Ludhiana.

....Appellant

Vs

Public Information Officer  
o/o Sub Registrar, Sahnewal,  
Distt. Ludhiana.

First Appellate Authority  
o/o Deputy Commissioner,  
Ferozepur Road,  
Ludhiana.

....Respondents

Appeal Case No. 2082 of 2020

(Cisco Webex/on phone Proceedings)

Present:- Sh. Jasbir Singh, appellant, on phone.  
None on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 28.9.2020.

2. The appellant states that no information has been provided by the respondents so far. However, a request has been received from the respondents to adjourn the case due to shortage of staff and filing of an affidavit in the Hon'ble Punjab and Haryana High Court in a court case.

3. It is also a fact on record that Sh. Lalit, 7986659178 requested for the adjournment of the case during the last hearing. According to the request of the respondents, the case is adjourned with the directions to provide the complete information before the next date of hearing failing which the penalty provisions will be invoked.

4. To come up on 12.1.2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, District Ludhiana/Cisco webex.

sd

Dated: 13.11.2020

(Suresh Arora)  
Chief Information Commissioner,  
Punjab.