



Smt.Sukhvinder Kaur, W/o Lt.Sh.Baldev Singh,
VPO HardoJhande, Tehsil Batala.
Distt.Gurdaspur.

... Appellant

Versus

Public Information Officer,
SDO-Grid Construction Sub-Division,
PSPCL Batala.

...Respondent

Complaint Case No. 1143 of 2018

Present: None for the Complainant
Sh.Sachin Verma, Sr.Xen-Sub Station(Design),PSPCL Patiala for the Respondent

Order: The complainant through RTI application dated 02.05.2018 had sought information regarding service book – salary certificate – latest attendance report & date of last salary released in case of her deceased husband Sh.Baldev Singh who was working as workcharge employee with PSPCL Batala from the office of SDO-PSPCL Batala. The complainant was not provided the information after which the complainant filed a complaint in the commission on 22.10.2018.

The case first came for hearing on 04.02.2019. The Complainant claimed that the PIO has not provided the information. Due to delay in providing the information, the PIO was issued a **show cause notice** and directed to file reply on an affidavit.

On the next date of hearing on 19.03.2019, the complainant informed that no information has been provided. The respondent was absent nor had sent any reply to the show cause notice. The PIO was given one last opportunity and directed to be present on the next date of hearing alongwith the reply to the show cause notice on an affidavit.

On the date of hearing on 15.05.2019, both the parties were absent. The case was adjourned. A copy of the order was sent to the Xen-PSPCL, Batala to determine the PIO under whose custody the information exists and to direct the concerned PIO to provide the information and appear before the Commission on the next date of hearing.

The case was again heard on 17.07.2019. The PIO in spite of the orders of the Commission to be personally present did not turn up nor had sent any reply to the show cause notice. A penalty of **Rs.25,000/-** was imposed upon the PIO-SDO PSPCL, Batala and the PIO was directed to duly inform the Commission of the compliance of the orders by producing a copy of the challan justifying the deposition of the penalty in the Govt Treasury.

The PIO-SDO PSPCL, Batala was also directed to pay an amount of **Rs.5000/-** via demand draft drawn through Govt. Treasury as compensation to the appellant for the loss and detriment suffered by him. A copy of the order was sent to the Xen, PSPCL Batala to get the order served to the concerned PIO and to ensure compliance of this order, as well as ensure that the concerned PIO to provide the information and appears personally at the next date of hearing.

Complaint Case No. 1143of 2018

On the date of hearing on **28.08.2019**, the respondent present from the office of Xen-City PSPCL Batala informed that there are six SDOs of PSPCL in Batala and no RTI application had been received by them. According to the complainant, Sh.Baldev Singh was working as work charge employee in the office of SDO-Grid, PSPCL- Gurdaspur Road, Batala. A copy of the RTI application was handed over to the respondent.

The Chief Engineer, Border Zone, PSPCL Amritsar was impleaded in the case and directed to get the order served to the concerned PIO-SDO Batala under whose custody the information lies. The concerned PIO was directed to provide the information and to appear personally on the next date of hearing. The matter of penalty and compensation to be taken at the next date of hearing.

On the next date of hearing on **29.11.2019**, **Sh.Navjot Singh**, SDO Grid Construction Sub-Division, PSPCL Batala appeared and pleaded that they received the RTI application only on 14.10.2019 from the office of Additional SE Grid Construction Division PSPCL Amritsar and the information has been provided to the appellant vide letter dated 23.10.2019. The appellant was absent.

On the date of hearing on **04.03.2020**, the respondent present pleaded that the information has been provided to the complainant. The respondent had however, not deposited the amount of penalty nor had paid compensation amount to the complainant as per order of the Commission. As per respondent, Dy.Chief Engineer, Sub-Station (Designs), PSPCL Patiala was the PIO in this case. The PIO was directed to file a complete reply in the case for delay in providing the information.

On the date of last hearing on **05.08.2020**, which was held through video conferencing at DAC Gurdaspur, the respondent present pleaded that they have submitted reply to the Commission vide letter dated 31.07.2020. The commission had received reply of the PIO on 03.08.2020 which was taken on the file of the Commission.

In the reply, the PIO has stated:-

“That the application of the complainant was filed to the SDO- PSPCL Batala which comes under the jurisdiction of PIO-cum-Dy CE/Operation, PSPCL Gurdaspur whereas the information was related to the office of SDO, Grid Construction, PSPCL Batala which comes under the jurisdiction of the office i.e. PIO-cum-Dy CE/Sub station Designs, PSPCL Patiala;

That there are six number of SDOs under the PSPCL Batala Division and since the address mentioned in the application was not proper, neither of them received the RTI application nor was it received by SDO Grid Construction PSPCL Batala.

That the O/o Sr. Xen PSPCL Batala first came to know about the case after a phone call from the commission to the PSPCL to apprise them about the Commission's various notices/orders dated 02.02.2019, 04.02.2019, 19.03.2019, 15.05.2019 & 17.07.2019, after which the O/o Xen-PSPCL Batala downloaded notices from the website of the Commission. Thereafter, all six SDOs were asked by SrXen about the RTI application but all denied having received the same.

That the O/o Sr.Xen PSPCL Batala got the copy of RTI application only on 28.08.2019 and came to know that Baldev Singh for whom the information was required by the appellant was working as work-charge under the office of SDO, Grid Construction and that the RTI application actually related to the office of SDO Grid Construction PSPCL Batala.

That the application was received in the concerned office (i.e. SDO Grid Construction, PSPCL Batala on 16.10.2019 and the information was supplied to the complainant by SDO Grid Construction vide letter dated 22.10.2019.

Complaint Case No. 1143 of 2018

That the appellant neither approached the concerned office nor PIO-cum-SE Sub Station, Design, PSPCL Patiala to get the required information as well as never approached the First Appellate Authority –cum-Chief Engineer/TS PSPCL Patiala. Hence it is clear that the application of the applicant was not received in the concerned office, the information could not be supplied to the appellant in time.”

The PIO requested to review the order dated 17.09.2019 and the penalty/compensation already imposed may be withdrawn.

Having gone through the reply, the Commission found that the delay in information was not intentional or due to inefficiency of the PIO. The delay in providing the information was a result of wrong and random address written by the appellant, who presumed that he had filed the application at the correct address. The appellant also did not go to the first appellant, but chose to come to the commission via a complaint

Given the above, the Commission accepted the plea of the PIO, and while giving the PIO the benefit of doubt, recalled the order dated 17.09.2019 of imposing penalty of Rs.25,000 on the PIO.

However, since it had been over one year since the case has been going on in the commission (4.2.2019), and it was only after a phone call from the commission to the PSPCL to apprise them about the Commission’s various notices that the PSPCL Batala got activated with the RTI and provided the information, it would be prudent to mention that the appellant had suffered undue delay in getting his/her due.i.e the information he/she sought even after coming to the commission, the order to compensate the appellant with Rs.5000/- still remained. Herewith under the fresh orders, the PIO-Dy.Chief Engineer, Sub-Station Designs, PSPCL Patiala was directed to pay an amount of **Rs.5000/-** via demand draft drawn through Govt. Treasury as compensation to the appellant for the loss and detriment suffered by him of having to file the appeals and not getting information in time.

Hearing dated 14.09.2020:

The case has come up for hearing today through video conferencing at DAC Gurdaspur. The respondent is present at Chandigarh and informed that in compliance with the order of the Commission, demand draft of Rs.5000/- bearing No.047765 dated 11.09.2020 favouring Sukhvinder Kaur has been purchased and is being sent to their District Office, Gurdaspur for handing over the same to the complainant. The respondent has submitted a copy of demand draft which is taken on the file of the Commission.

The respondent is directed to comply with the order of the Commission and submit proof of having dispatched/delivered the demand draft of Rs.5000/- to the complainant.

To come up for compliance on **21.10.2020 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Gurdaspur.

Chandigarh
Dated: 14.09.2020

(Khushwant Singh)
State Information Commissioner

CC to 1. Chief Engineer, Border Zone,
PSPCL Ajnala Road,
Near Airforce, Amritsar.

3. Dy.Chief Engineer, Sub-Station (Designs),
PSPCL Patiala

4. Sr.Xen, PSPCL Batala



Sh. Harish Kumar S/o Sh.Tilak Raj
H.No.34, Street No.1, ValmikMohalla,
Hathi Gate, Batala.
District Gurdaspur.

... Appellant

Versus

Public Information Officer,
Xen, Water Supply & Sanitation Div.No.1,
Batala, Distt.Gurdaspur

First Appellate Authority,
S.E., Water Supply & Sanitation,
Circle, Gurdaspur.

..Respondent

Appeal Case No. 610 of 2020

Present: None for the Appellant
None for the Respondent

ORDER:

The appellant through RTI application dated 13.08.2019 has sought information regarding action taken on the reimbursement of medical bill of his wife and other information concerning the office of Xen-Water Supply and Sanitation Division No.1, Batala. The appellant was not provided the information after which the appellant filed first appeal before the First Appellate Authority on 09.10.2019 which took no decision on the appeal.

The case was first heard on 05.08.2020 through video conference facility at DAC Gurdaspur. The appellant claimed that the PIO has not provided the information. The respondent present pleaded that the action was being taken on the medical bill of the appellant.

Having gone through the record, the Commission observed that there has been an enormous delay of more than 11 months in attending to the RTI application. The PIO was issued a **show cause notice Section 20 of the RTI Act 2005 and directed to file reply on an affidavit.** The PIO was again directed to provide the information to the appellant within 15 days.

Hearing dated 14.09.2020:

The case has come up for hearing today through video conferencing at DAC Gurdaspur. The Commission has received a letter diaryNo.11359 on 04.09.2020 stating that despite order of the Commission, the PIO has not provided the information.

The respondent is absent nor has filed any reply to the show cause notice issued on 05.08.2020 as well as not provided the information.

Keeping the above-mentioned facts of the case, it is clear that the PIO-Xen Water Supply & Sanitation Division No.1, Batala is flouting the spirit of the RTI Act continuously. The PIO has not only shown utter disregard for the Commission's repeated orders to provide the information but has shown willful stubbornness in not replying to the Show Cause and not appearing before the commission despite various orders of the Commission.

Appeal Case No. 610 of 2020

To secure an erring PIO's presence before the commission the Information Commission is empowered to issue warrants to Under Section 18(3) of the RTI Act. A bailable Warrant of the PIO-Xen Water Supply & Sanitation Division No.1, Batala is hereby issued through Senior Superintendent of Police, Gurdaspur for his presence before the Commission on **21.10.2020**.

The PIO is also directed to provide information to the appellant within 10 days of the receipt of this order. The First Appellate Authority, S.E. Water Supply & Sanitation Circle, Gurdaspur is also directed to ensure compliance of this order.

To come up for further hearing on **21.10.2020 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, **Gurdaspur. The PIO to appear at Chandigarh.**

Chandigarh
Dated: 14.09.2020

(Khushwant Singh)
State Information Commissioner

**CC to :The First Appellate Authority-cum-
S.E. Water Supply & Sanitation
Circle, Gurdaspur**

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

In case:Harish Kumar V/s Public Information Officer-Xen,Water Supply &
Sanitation Division No.1, Batala

APPEAL CASE NO.610/2020

UNDER SECTION 18 OF THE RIGHT TO INFORMATION ACT, 2005

Next Date of Hearing :21.10.2020

To

**The Senior Superintendent of Police,
Gurdaspur**

Whereas PIO-Xen Water Supply & Sanitation Division No.1, Batala 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-Xen Water Supply & Sanitation Division No.1, Batala to appear before the undersigned at Red Cross Building, Near Rose Garden, Sector 16, Chandigarh on **21.10.2020 at 11.00A.M.**

**Chandigarh
Dated: 14.09.2020**

**(Khushwant Singh)
State Information Commissioner**

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. Bharat Goyal, S/o Sh Raj Kumar,
Near Telephone Exchange, Tappa mandi,
Distt.Bathinda.

... Appellant

Versus

Public Information Officer,
O/o Tehsildar, Jaito,
Distt.Faridkot.

First Appellate Authority,
O/o SDM, Jaito,
Distt. Faridkot..

...Respondent

Appeal Case No. 893 of 2020

PRESENT: None for the Appellant
None for the Respondent

ORDER:

The appellant through RTI application dated 25.11.2019 has sought information regarding income and assets certificates register from 01.01.2019 to Nov.2019 – details of post of dealing hand, year-wise detail of registered vasika and other information concerning the office of TehsildarJaito. The appellant was not provided the information after which the appellant filed first appeal before the First appellate Authority on 19.12.2019 which took no decision on the appeal.

The case was last heard on 17.08.2020. through video conferencing facility at DAC Ferozepur. Due to Cabinet meeting in the DAC Ferozepur, the hearing could not take place.

The Commission received a letter from the PIO-cum-TehsildarJaito on 31.07.2020 stating that the information has been sent to the appellant vide letter dated 26.12.2019. The appellant vide email informed that the PIO has not provided the information. The case was adjourned.

Hearing dated 14.09.2020:

The case has come up for hearing today through video conferencing at DAC Faridkot. Both the parties are absent. The appellant vide email has sought exemption. In the said email, the appellant has also informed that the PIO has not provided the complete information.

The PIO is directed to provide complete information to the appellant and send a compliance report to the Commission.

To come up for further hearing on **14.10.2020 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Faridkot. The appellant may appear at Chandigarh.

Chandigarh
Dated 14.09.2020

(Khushwant Singh)
State Information Commissioner



Sh. Waris Malik, S/o Sh Mehar Malik,
R/o H N0-327/28, Tilak Nagar,
Nakodar, Jalandhar.

.....Complainant

Vs

Public Information Officer,
O/o Chairman,
District Badminton Association,
Jalandhar.

.....Respondent

Complaint Case No. 17 of 2020

PRESENT: None for the Complainant
None for the Respondent

ORDER:

The complainant through RTI application dated 23.09.2019 has sought information regarding appointment of Deepankar Bhattacharya, newly coach in Raijada Hans Raj Stadium – number of players taking coaching from Deepankar Bhattacharya – GST deducted from the salary of the coach – income & expenditure after the appointment of said coach and other information concerning the office of Chairman, District Badminton Association Jalandhar. The complainant was not provided the information after which the complainant filed complaint in the Commission on 23.12.2019.

The case has come up for hearing today through video conferencing at DAC Jalandhar. Both the parties are absent. The complainant vide email has informed that the PIO has not provided the information. In the said email, the complainant has also informed that the District Badminton Association is a public authority with many administrative officers including deputy Commissioner as its members and the stadium is being developed by the grant of Rs.15,00,000/- released from the MP fund of Sh.Naresh Gujral.

The respondent is absent. The District Badminton Association, Jalandhar is directed to submit complete details of grants availed, list of members of governing body, copy of memorandum & article of association and appear before the Commission on the next date of hearing. A copy of the order is being sent to the Deputy Commissioner, Jalandhar to ensure compliance of the order, as he, as per the complainant is one of the executive members of the association.

To come up for further hearing on **04.11.2020 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Jalandhar.

Sd/-

Chandigarh
Dated 14.09.2020

(Khushwant Singh)
State Information Commissioner

CC to: Deputy Commissioner, Jalandhar.



Smt Bakshish Kaur, W/o Late Sh Sukhdev Singh
Village Susana, P.O Sus,
Tehsil & Distt Hoshiarpur.

.....Complainant

Vs

Public Information Officer,
O/o Chief Engineer, North,
PSPCL, Shakti Sadan, Jalandhar.

...Respondent

Complaint Case No. 47 of 2020

PRESENT: None for the Complainant
Sh.Amrik Ram, Sr Xen Bhogpur for the Respondent

ORDER:

The complainant through RTI application dated 23.10.2019 has sought information regarding revision of pension file No.S-11366 ID No.261312 & PP No.14545/08-09 dated 18.02.2009 from 01.01.2006 and other information concerning the office of Chief Engineer, North, PSPCL Jalandhar. The complainant was not provided the information after which the complainant filed complaint in the Commission on 07.01.2020.

The case has come up for hearing today through video conferencing at DAC Jalandhar. The respondent present pleaded that the information has been sent to the appellant vide letter dated 24.08.2020 and a copy of the same submitted to the Commission. As per respondent, the complainant is satisfied.

Having gone through the record, the Commission observes that even though the respondent has supplied the information, yet there is a delay in attending to the RTI application. The respondent further pleaded that since Sh.Sukhdev Singh was working in Kartarpur Division, the pension case of the deceased employee was to be processed by Kartarpur Division. The Kartarpur Division was asked to process the pension case of the deceased employee vide letter dated 26.06.2016 followed by reminders dated 29.07.2019 & 30.08.2019. Thereafter, the Kartarpur Division processed the case and sent pension arrears and PPO No.121224/19-20 to this office on 24.12.2019. The revised pension alongwith amount of arrear has been provided to the complainant alongwith the pension for the month of Jan.2020. The respondent has apologized for delay in attending to the RTI application.

The complainant is absent nor has communicated any discrepancies. The complainant is asked to file objection if any on the next date of hearing.

The case is adjourned. To come up for further hearing on **04.11.2020 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Jalandhar.

Sd/-

Chandigarh
Dated 14.09.2020

(Khushwant Singh)
State Information Commissioner

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. R.C Tandon,
146, Urban Estate,
Phagwara, Distt Kapurthala.

... Appellant

Versus

Public Information Officer,
O/o JDA,
Jalandhar.

First Appellate Authority,
O/o JDA,
Jalandhar.

...Respondent

Appeal Case No. 3297 of 2019

PRESENT: None for the Appellant
None for the Respondent

ORDER:

The appellant through RTI application dated 27.12.2018 has sought information regarding heights of boundary wall of Bahara Hospital building and other information concerning the office of JDA Jalandhar. The appellant was not satisfied with the reply of the PIO dated 29.01.2019 after which the appellant filed first appeal before the First Appellate Authority on 28.02.2019 which disposed off the appeal on 13.08.2019.

The case was last heard on 06.01.2020. The respondent present pleaded that the information has been provided to the appellant again vide letter dated 20.12.2019 and a copy of the same submitted to the Commission.

The appellant was absent. Having gone through the information that had been provided the Commission found that the public authority had given a copy of map of the building with the observations of the appellant itself posted on the information. The Commission directed the public authority to provide true copy of the record whatever available regarding the information that has been sought.

It was also observed that the appellant in the RTI application has sought the information in a particular format which under the RTI Act, was not permissible. The PIO was directed to provide the information whatever available in the record regarding height of the boundary wall of Bahara Hospital.

Hearing dated 14.09.2020:

The case has come up for hearing today through video conferencing at DAC Jalandhar. Both the parties are absent.

The PIO is directed to comply with the earlier order of the Commission which still stands and provide the information whatever available in the record regarding height of the boundary wall of the Bahara Hospital.

To come up for further hearing on **04.11.2020 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Jalandhar.

Chandigarh
Dated 14.09.2020

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh Nand Kishore, S/o Sh Sardari Lal,
716, Hargobind Nagar, Phagwara.

... Appellant

Versus

Public Information Officer,
O/o PUDA,
Jalandhar.

First Appellate Authority,
O/o Regional Deputy Director,
Department Local Bodies,
Jalandhar

...Respondent

Appeal Case No. 3512 of 2019

PRESENT: Sh.Nand Kishore as the Appellant
None for the Respondent

ORDER:

The appellant through RTI application dated 21.05.2019 has sought information regarding land acquired by PUDA under Acquisition Act and objection raised by land owners, award given to land owners and other information concerning the office of PUDA Jalandhar. The appellant was not provided the information after which the appellant filed first appeal before the First Appellate Authority on 26.06.2019 which took no decision on the appeal.

The case was last heard on 22.01.2020. The respondent present pleaded that the information sought by the appellant is not specific and the RTI application is also not legible. The appellant had also not filed first appeal before the appropriate authority.

Having gone through the file, the Commission found that the RTI application was not legible. The appellant was directed to submit a legible copy of the RTI application in the Commission.

Hearing dated 14.09.2020:

The case has come up for hearing today through video conferencing at DAC Jalandhar. The appellant claims that the PIO has not provided the information.

The respondent is absent. The Commission has received a letter from the PIO-JDA vide which the PIO has forwarded the RTI application under section 5(4) to the APIO-Estate Officer (R)- JDA Jalandhar asking them to provide the information to the appellant.

At the last hearing, the appellant was asked to submit a legible copy of RTI application which he has not submitted. The appellant is directed to submit legible typed copy of RTI application to the Commission with a copy to the PIO. The appellant is also directed to inspect the record by fixing a mutually convenient date and time with the PIO and get the relevant information. The appellant has agreed for the same. The PIO is directed to allow inspection of the record to the appellant and provide the relevant information. The APIO-Estate Officer (R) is implicated in the case and directed to provide the information.

To come up for further hearing on **04.11.2020 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Jalandhar.

Chandigarh
Dated 14.09.2020

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to Estate Officer, JDA Jalandhar