

PUNJAB STATE INFORMATION COMMISSION
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Sector 16, Chandigarh.
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Smt Jagroop Kaur, D/o Lt Sh Rajinder Singh,
VPO Paddi Jagir, Tehsil Phillaur,
Distt Jalandhar.

... Appellant

Versus

Public Information Officer,
O/o Civil Hospital,
Jalandhar.

First Appellate Authority,
O/o Civil Hospital,
Jalandhar.

Respondent

Appeal Case No. 1525 of 2021

PRESENT: None for the Appellant
Sh.Bhagat Singh, Steno for the Respondent

ORDER:

The appellant through RTI application dated 07.02.2020 has sought information regarding the admission form of patient Rajinder Singh s/o Nirmal Singh – a copy of the patient booklet(green booklet) – all test reports of the patient – record of medicines and other medical record and other information as enumerated in the RTI application from the office of Civil Hospital Jalandhar. The appellant was not provided with the information provided after which the appellant filed the first appeal before the First Appellate Authority on 17.03.2020 which took no decision on the appeal. After filing the appeal, the PIO asked the appellant to deposit the requisite fee of Rs.66720/- vide letter dated 18.03.2020 to which the appellant was not satisfied and filed 2nd appeal in the Commission on 23.03.2021.

The case has come up for hearing today through video conferencing at DAC Sri Jalandhar. The respondent present pleaded that as per the Govt of India notification dated 21.04.2017, the information cannot be provided. In this regard, the Commission has also received a letter from the PIO on 03.09.2021 which has been taken on the file of the commission.

The appellant is absent.

The case is adjourned. To come up for further hearing on **18.01.2022** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Jalandhar. The PIO to appear personally at the hearing of the case.

Chandigarh
Dated:14.09.2021

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh Nitin Kumar,
290, Basti Baba Khel,
Jalandhar.

... Appellant

Versus

Public Information Officer,
O/o District Social Justice and Empowerment Officer,
Jalandhar.

First Appellate Authority,
O/o Director,
Social Justice and Empowerment Officer,
Sector-17, Chandigarh.

Respondent

Appeal Case No. 1428 of 2021

PRESENT: Sh.Nitin Kumar as the Appellant
Sh.Lakhwinder Singh, District Welfare Officer for the Respondent

ORDER:

The appellant through RTI application dated 11.12.2020 has sought information on 07 points regarding the number of applications received for shagun scheme in the years 2018 & 2019 – applications received directly and through Suvidha Kendra – payments made and pending – reasons for pending cases and other information as enumerated in the RTI application from the office of Director Social Justice and Empowerment Officer, 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 23.01.2021 which took no decision on the appeal.

The case has come up for hearing today through video conferencing at DAC Sri Jalandhar. As per the respondent, the information has been supplied to the appellant.

The appellant claims that he has received the information only on 25.08.2021 with a delay of more than eight months. The appellant is also not satisfied with the information on point-3 and stated that the claim of the PIO(that the entire payment to eligible beneficiaries has been made and no payment is pending) is not true since the payment of one of his relatives is still not released.

Hearing both the parties, the PIO is directed to file an affidavit that the entire payment to all eligible beneficiaries (for the years 2018 & 2019 up to March 2021) has been made and no payment is pending.

Further, since there has been an enormous delay of more than eight months in attending to the RTI application, the PIO is directed to **show cause why penalty should not be not imposed under Section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed time.** He/she should file an affidavit in this regard. If there are other persons responsible for the delay in providing the information, the PIO is directed to inform such persons of the show cause and direct them to appear before the Commission along with the written replies.

The case is adjourned. To come up for further hearing on **18.01.2022** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Jalandhar.

Sd/-

Chandigarh
Dated:14.09.2021

(Khushwant Singh)
State Information Commissioner



Smt Mandeep Kaur, D/o Sh Baljinder Singh,
R/o Village Meerpur, P.O Kheri Naudh Singh,
Tehsil Khamanoo, Distt Fatehgarh Sahib.

... Appellant

Versus

Public Information Officer,
O/o Director of Education SGPC,
Bahadurgarh, Patiala.

First Appellate Authority,
O/o Director of Education SGPC,
Bahadurgarh, Patiala.

...Respondent

Appeal Case No. 1277 of 2021

PRESENT: None for the Appellant
None for the Respondent

ORDER:

The appellant through an RTI application dated 03.12.2020 has sought information regarding recruitment of Assistant Professors (History) in Mata Gujri College Fatehgarh Sahib against advertisement No.306/2020 dated 04.09.2020 by SGPC Bahadurgarh Patiala and other information as enumerated in the RTI application concerning the office of Director of Education, SGPC Patiala. The appellant was not provided with the information after which the appellant filed a first appeal before the First Appellate Authority on 08.01.2021 which took no decision on the appeal.

The case last came up for hearing on 20.07.2021 through video conferencing at DAC Patiala. The appellant claimed that the PIO has not provided the information.

The respondent was absent. The PIO was directed to provide the information to the appellant within 15 days and send a compliance report to the Commission. The PIO was also directed to appear before the Commission on the next date of hearing along with an explanation for not attending to the RTI application within the time prescribed under the RTI Act.

Hearing dated 14.09.2021:

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

Earlier order stands. The case is adjourned.

To come up for further hearing on **04.01.2022** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Patiala

Chandigarh
Dated : 14.09.2021

Sd/-
(Khushwant Singh)
State Information Commission

Sh. Hardeep Singh, S/o Sh. Tarsem Lal,
R/o Village Nupur, Tehsil Banga,
Distt. SBS Nagar

Appellant

Vs

Public Information Officer,
O/o SE, PSPCL, Sub Division-2,
SBS Nagar, Nawanshahr..

First Appellate Authority,
O/o SE, PSPCL,
SBS Nagar, Nawanshahr.

...Respondent

A ppeal Case .No. 4560 of 2019

PRESENT: Sh. Hardeep Singh as the Complainant
None for the Respondent

ORDER:

The case was first heard on 23.06.2020. The appellant claimed that the PIO has not provided the complete information and the information that has been provided was not legible. The respondent present pleaded that the available information has been provided and since the record being very old, was not traceable, the remaining information cannot be provided.

The PIO was directed to conduct an enquiry and submit a complete enquiry report which establishes that the record is missing, FIR has been lodged and suitable action has been taken as per the procedure of the department against the person under whose custody the record was found missing. The PIO was also directed to provide legible and certified copies of the information to the appellant.

On the date of the next hearing on **18.08.2020**, the respondent informed that after conducting the enquiry, they have written to the higher authority for fixing the responsibility of the person under whose custody the record was found missing. The PIO was directed to send a complete enquiry report which establishes that the record is missing, FIR has been lodged and suitable action has been taken as per the procedure of the department against the person under whose custody the record was found missing.

On the date of the hearing on 23.09.2020, the respondent pleaded that complete information has been provided to the appellant. The appellant was not satisfied with the information regarding points 12 & 22.

Regarding point 12, the respondent informed that no notices were issued and regarding point-22, the electric supply was disconnected at the request of the appellant. The PIO was directed to remove the discrepancy and reply to both the points on an affidavit.

On the date of the hearing on **15.03.2021**, the respondent present pleaded that in compliance with the order of the Commission, an affidavit has been provided to the appellant and the appellant has received the same.

With the above, the information was complete. However, since the respondent had not submitted any enquiry report, the PIO was directed to send an enquiry report regarding the missing records to the Commission within 30 days of the receipt of the order.

On the date of the last hearing on **30.06.2021**, the respondent informed that in compliance with the order of the Commission, the enquiry report regarding missing records has been sent to the commission. The Commission received a copy of the enquiry report on 13.05.2021 which was taken on the file of the Commission.

The PIO however, did not send any action taken report on the enquiry report. The respondent informed that they are taking suitable action against the person responsible for the missing record and a charge sheet has been issued. The PIO was directed to send the action taken report on the enquiry report along with a copy of the charge sheet to the Commission.

The appellant was present and pleaded that the letter number 7697 dated 21.09.2020 as mentioned in the affidavit, vide which the PIO claimed to have sent information, does not relate to the information as sought in point-12 of the RTI application since he had sought information regarding notices issued for discontinuation of electric connection in the year 2014, 2015 & 2016.

As per the respondent, no separate notices were issued and the procedure is mentioned in the electricity bill sent from time to time.

The PIO was directed to clarify the above about point-12 (as discussed during the hearing) and send a revised affidavit to the appellant with a copy to the Commission.

Hearing dated 14.09.2021:

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

The respondent is absent. Earlier order stands. The PIO is given one last opportunity to comply with the earlier order of the Commission and provide a revised affidavit to the appellant. The PIO is also directed to send action taken on the enquiry report along with a copy of the charge sheet to the commission otherwise the commission will be constrained to take action against the PIO under section 20 of the RTI Act.

The case is adjourned. To come up for further hearing on **18.01.2022 at 11.00 AM** through a video conferencing facility available in the office of Deputy Commissioner, **Nawanshahar.**

Chandigarh
Dated 14.09.2021

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh. Jatinder Kumar,
C/o Sachkhand Mishthan Bhandar,
Nehru Gate, Nawanshehar.

... Appellant

Versus

Public Information Officer,
O/o Principal Secretary,
Local Govt Department,
Sector-35-A, Chandigarh.

First Appellate Authority,
O/o Principal Secretary,
Local Govt Department,
Sector-35-A, Chandigarh.

...Respondent

Appeal Case No. 2717 of 2020

PRESENT: Sh.Jatinder Kumar as the Appellant
None for the Respondent

ORDER:

The appellant through the RTI application dated 27.11.2019 has sought information regarding action taken on application dated 22.08.2019 filed for postponing the action of dismissal vide resolution No.426 dated 10.07.2019 till hearing the applicant and other information as enumerated in the RTI application from the office of Principal Secretary Department of Local Govt.Pb Chandigarh. The appellant was not provided with the information after which the appellant filed the first appeal before the first appellate authority on 27.07.2020 which took no decision on the appeal.

The case came up for hearing first on 25.02.2021 through video conferencing at DAC Nawanshahar. Both the parties were absent.

The appellant vide email informed that the PIO has not provided the information. The PIO was directed to provide the information within 15 days and send a compliance report to the Commission. The PIO was also directed to explain the reasons for not attending to the RTI application within the time prescribed under the RTI Act.

On the date of the last hearing on 24.05.2021, the appellant was absent and vide email had sought exemption due to an illness. The appellant in the email had informed that the PO has not provided the information.

The respondent also was absent on 2nd consecutive hearing nor had communicated any legitimate reasons for the absence. The PIO also did not comply with the order of the Commission to supply the information. Since there was a delay of one year and six months in attending to the RTI application, the PIO was issued a **show-cause notice under Section 20 of the RTI Act 2005 and directed to file a reply on an affidavit.**

The PIO was again directed to provide the information to the appellant within 10 days of the receipt of the order.

Hearing dated 14.09.2021:

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

The respondent is absent on 3rd consecutive hearing nor has complied with the order of the Commission to provide the information as well as not filed a reply to the show-cause notice.

As per a copy of the letter received in the Commission on 15.06.2021, the PIO- had asked the Superintendent-cum-PIO (Establishment Branch), Local Govt. Pb Chandigarh vide letter dated 09.06.2021 to send information/reply within 3 days. The PIO however, did not transfer the RTI application to them as per procedure as prescribed under 6(3) of the RTI Act. As per another letter received in the Commission from the PIO on 09.09.2021, the PIO-O/o Principal Secretary, Local Govt has transferred the RTI application to the Superintendent-cum-PIO(Establishment Branch), Local Govt. Pb Chandigarh on 02.09.2021

Given the above facts the following is concluded.

That the RTI application was filed in the office of the Principal Secretary, Local Govt on 27.11.2019.

That the PIO-O/o Principal Secretary, Local Govt instructed the Superintendent -cum-PIO (Establishment Branch),Local Govt. Pb Chandigarh vide letter dated 09.06.2021 to send the information within 3 days which should have been transferred under section 6(3) of the RTI Act within 5 days from the date of receipt of RTI application as prescribed under the RTI Act if it does not pertain to them.

That the PIO O/o Principal Secretary, Local Govt. has transferred the RTI application to the Superintendent-cum-PIO (Establishment Branch) Local Govt. on 02.09.2021.

That the PIO O/o Principal Secretary, Local Govt. has failed to transfer the RTI application to the concerned branch within the time prescribed under the RTI Act. and there has been a delay of more than one year and nine months in providing the information

Since the responsibility to ensure the timely transmission of the information to the appellant lies on the PIO, the PIO-O/o Principal Secretary, Local Govt Pb Chandigarh is hereby held guilty for not providing the information on time as prescribed under section 7, which is within 30 days of the receipt of the request as well as not transferring the RTI application to the concerned branch on time as prescribed under section 6(3)(ii) of the RTI Act. He is also held guilty of repeated defiance of the orders of the Punjab State Information Commission to provide the information. Moreover, the PIO has chosen not to reply to the show cause, which can be inferred that the PIO has nothing to say on the matter.

Hence, given the above facts a penalty of **Rs.10,000/-** is imposed on the PIO- O/o Principal Secretary, Local Govt. Pb Chandigarh, which will be deposited in the Govt. Treasury. The PIO is directed to duly inform the Commission about the compliance of the orders by producing a copy of the challan as evidence of depositing the penalty in the Govt Treasury.

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 u/s 19(8)(b) of the RTI Act.

Appeal Case No. 2717 of 2020

The PIO O/o Principal Secretary, Local Govt.Pb Chandigarh is directed to pay an amount of **Rs.2000/-** via demand draft 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. The PIO is directed to duly inform the commission of the compliance of the order and submit proof of having compensated the appellant.

The PIO is again directed to provide information to the appellant within 10 days of the receipt of the order.

To come up for further hearing on **18.01.2022 at 11.00 AM** through a video conference facility available in the office of Deputy Commissioner, Nawanshahar. The PIO to appear at Chandigarh.

Chandigarh
Dated:14.09.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh. Jatinder Kumar,
C/o SachkhandMishthanBhandar,
Nehru Gate, Nawanshehar.

... Appellant

Versus

Public Information Officer,
O/o Principal Secretary,
Local Govt Department,
Sector-35-A, Chandigarh.

First Appellate Authority,
O/o Principal Secretary,
Local Govt Department,
Sector-35-A, Chandigarh.

...Respondent

Appeal Case No. 2718 of 2020

PRESENT: Sh.Jatinder Kumar as the Appellant
None for the Respondent

ORDER:

The appellant through an RTI application dated 04.11.2019 has sought information regarding action taken on the application dated 23.09.2019 filed for not releasing the retirement benefits to Sh.Purshotam Kumar, Municipal Engineer till completion of enquiry and other information as enumerated in the RTI application from the office of Principal Secretary Department of Local Govt.Pb Chandigarh. The appellant was not provided with the information after which the appellant filed the first appeal before the first appellate authority on 27.07.2020 which took no decision on the appeal.

The case first came up for hearing on 25.02.2021 through video conferencing at DAC Nawanshahar. Both the parties were absent.

The appellant vide an email informed that the PIO has not provided the information. The PIO was directed to provide the information within 15 days and send a compliance report to the Commission. The PIO was also directed to explain the reasons for not attending to the RTI application within the time prescribed under the RTI Act.

On the date of the last hearing on **24.05.2021**, the appellant was absent and vide an email sought exemption due to illness. The appellant in the said email further informed that the PO has not provided the information.

The respondent was absent on 2nd consecutive hearing nor has communicated any legitimate reasons for the absence. The PIO also did not comply with the order of the Commission to supply the information.

There has been an enormous delay of one year and six months in attending to the RTI application. The PIO was issued a **show-cause notice under Section 20 of the RTI Act 2005 and directed to file a reply on an affidavit.**

The PIO was again directed to provide the information to the appellant within 10 days of the receipt of the order.

Hearing dated 14.09.2021:

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

The respondent is absent on 3rd consecutive hearing nor has complied with the order of the Commission to provide the information as well as not filed reply to the show-cause notice.

The PIO vide his reply received in the Commission on 06.07.2021, has informed that since Sh.Purshotam Kumar has not given his consent to disclose the information, the information cannot be provided.

I am not satisfied with the reply of the PIO since there are certain points in the RTI application on which information can be provided. The PIO has blatantly denied the information without application of mind.

I hereby direct the PIO to relook at the RTI application and give a detailed reply on all points rather than one reply fits all since there appear to be certain points in the RTI application which cannot be classified as 3rd party or personal information.

The PIO is 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 in the matter and the decision will be taken ex-party.

To come up for further hearing on **18.01.2022 at 11.00 AM** through a video conference facility available in the office of Deputy Commissioner, Nawanshahar. The PIO to appear at Chandigarh.

Chandigarh
Dated:14.09.2021

Sd/-
(Khushwant Singh)
State Information Commissioner