

PUNJAB, STATE INFORMATION COMMISSION
Sector-16, Madhya Marg, Near Rose Garden, Chandigarh

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Sh. Anil Kumar, S/o Sh Nohar Chand,
Thekedar Geeta Bhawan Wali Gali,
Jawaharke Road, Ward No-22,
Mansa.

... Complainant

Versus

Public Information Officer,
Additional SE, Civil Construction Division,
PSPCL, Patiala.

...Respondent

Complaint Case No. 974 of 2018

Present: None for the Complainant
None for the Respondent

Order:

The case was last heard **on 26.11.2018**. The order is reproduced hereunder:

“The complainant through RTI application dated 08.08.2018 has sought information regarding NIT work order and tenders allotted from 30.09.2017 to 31.07.2018 and other information concerning the office of Additional SE, Civil Construction Division, PSPCL, Patiala. The complainant was not provided the information after which he filed complaint with the Commission on 13.09.2018.

Since both the parties are absent, in the interest of justice, one more opportunity is granted and the case is adjourned.”

Hearing dated 15.01.2019:

The respondent is absent without intimation to the Commission. The appellant is also absent on 2nd consecutive hearing. It appears that the complainant has received the information and is satisfied.

No further course of action is required. The case is **disposed off and closed**.

Chandigarh
Dated: 15.01.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh.Gagandeep Garg,
Chamber No-113, District Court,
Barnala..

Appellant.

Versus

Public Information Officer,
DPI (SE), P.S.E.B,
Phase-8, Mohali.

First Appellate Authority,
DPI (SE), P.S.E.B,
Phase-8, Mohali

...Respondent

Appeal Case No. 1800 of 2018

**Present: Sh.Darshan Kumar representative of Sh.Gagandeep Garg for the Appellant
None for the Respondent**

ORDER:

The case was first heard on **28.08.2018**. Since both the parties were absent. In the interest of justice, the case was adjourned.

The case was again heard on **08.10.2018**. Sh.Yadvinder Singh, JA from the office of DEO Mansa was present. The respondent pleaded that he has been deputed for attending the hearing. He further pleaded that the information relates to the office of DPI(SE) P.S.E.B. Mohali. The Commission observed that the respondent present had nothing to do with the information and wasting the time of the Commission. The PIO –DPI(SE) was directed to be present personally on the next date of hearing and explain the reasons for delay in attending the RTI application in accordance with the RTI Act.

The case was last heard on **20.11.2018**. The order is reproduced hereunder:

“The appellant informed that no information has been provided to him. The appellant RTI application dated 26.12.2017 has sought information regarding name-wise applications received, accepted and rejected by concerned department in the year 2013-14 from women lecturers for child care leave for 15 days or 30 days concerning the office of DPI(SE), PSEB Mohali. The appellant was not provided the information after which he filed first appeal before the First Appellate Authority on 06.02.2018 which took no decision on the appeal.

The respondent is absent and has not provided the information to the appellant. The Commission has taken a serious note of this and hereby directs the PIO to provide the information to the appellant within 15 days. The PIO is also directed to be present personally on the next date of hearing with explanation for delay in attending to the RTI application within the time prescribed under the RTI Act. “

Hearing dated 15.01.2019:

The appellant is present and has informed that no information has been provided to him.

The order should be read in continuation with the last order whereby the commission had recorded gross negligence on the part of the PIO while tending to this RTI application.

The PIO in last hearing was absent. The PIO was directed to provide the information to the appellant within 15 days and be present personally on the next date of hearing with explanation for delay in attending to the RTI application.

The PIO is absent on 4th consecutive hearing and has preferred to not abide by the order of the Commission. The Commission has taken a serious view of the scant regard shown by the PIO towards the RTI Act and **directs the PIO DPI(SE), P.S.E.B. Mohali 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** and for not complying with the orders of the Commission, he 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 commission also directs the PIO to provide the information to the appellant within 10 days and send a compliance report to the Commission

Both the parties to be present **on 25.02.2019 at 11.00 AM** for further hearing. PIO to be present personally, failing which the commission will be constrained to act on the show-cause notice ex-parte.

Chandigarh
Dated: 15.01.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh.Gurpreet Singh, S/o Sh.Surinder Singh,
Village Hussainpura, P/O Badhochi.Kalan
Tehsil & Distt Shri Fatehgarh Sahib.

Appellant.

Versus

Public Information Officer,
O/o DC,
Distt. Shri. Fatehgarh Sahib.

First Appellate Authority,
O/o Addl, DC,
Distt. Shri. Fatehgarh Sahib.

...Respondent

Appeal Case No. 1795 of 2018

Present: Sh.Gurpreet Singh as Appellant
None for the Respondent

ORDER:

The case was first heard on 20.08.2018. The respondent was absent. The Commission received a letter diary No.16039 dated 06.8.2018 from the PIO, DDPO Fatehgarh Sahib vide which the PIO-DDPO has transferred the RTI to BDPO, Sirhind, instructing them to provide the information directly to the appellant.

The PIO was directed to provide the information to the appellant within 15 days and be present on the next date of hearing. The PIO was also directed to explain the reasons for not providing the information within the time prescribed under the RTI Act."

The case was again heard on **26.09.2018**. The appellant informed that he has not received the information. Sh.Rajinder Singh, Panchayat Secretary was present. The respondent pleaded that he has just joined the seat as the earlier dealing person Sh.Tajinder Singh has been transferred. The respondent further assured to send the information within 10 days. The PIO was directed to provide the information and send compliance report to the Commission. Sh.Tajinder Singh was also directed to explain the reasons for delay in providing the information. The explanation be sent on an affidavit.

The case was last heard on **19.11.2018**. Sh.Iqbal Singh, Panchayat Secretary o/o BDPO Sirhind was present. The order is reproduced hereunder:

"The respondent present has pleaded that he has received the RTI application recently and assured to provide the information within 10 days. The PIO, BDPO Sirhind is given one more opportunity to provide the information to the appellant within 10 days and send compliance to the Commission. The PIO is also directed to be present personally on the next date of hearing and explain the reasons for delay in providing the information. The explanation be sent on an affidavit. "

Hearing dated 15.01.2019:

The appellant is present and has informed that no information has been provided to him.

The order should be read in continuation with the last order whereby the commission had recorded gross negligence on the part of the PIO while tending to this RTI application.

The PIO in last hearing was absent. Sh.Iqbal Singh, Panchayat Secretary representing the PIO assured to provide the information within 10 days. The PIO was given last opportunity to provide the information to the appellant within 10 days and be present personally on the next date of hearing with explanation for delay in attending to the RTI application on an affidavit.

The PIO is absent on 4th consecutive hearing and has preferred to not abide by the order of the Commission. The Commission has taken a serious view of the scant regard shown by the PIO towards the RTI Act and **directs the PIO- BDPO Sirhind 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** and for not complying with the orders of the Commission, he 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 commission also directs the PIO to provide the information to the appellant within 10 days and send a compliance report to the Commission

Both the parties to be present **on 11.03.2019 at 11.00 AM** for further hearing. PIO to be present personally, failing which the commission will be constrained to act on the show-cause notice ex-parte.

Chandigarh
Dated: 15.01.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to The PIO, BDPO Sirhind.

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Sh. Harbans Singh, S/o Sh.Chunni Lal,
Kothi No-1, Ward No-1, Near SD School,
Fatehgarh Churian, Distt.Gurdaspur.

....Appellant.

Versus

Public Information Officer,
Commissioner, Nagar Nigam,
Amritsar.

First Appellate Authority,
Director, Local Govt,
Sector-35, Chandigarh.

...Respondent

Appeal Case No. 1397 of 2018

Present: None for the Appellant
 None for the Respondent

ORDER:

The case was first heard on **27.06.2018**. Both the parties were absent and the case was adjourned.

The case was again heard on **25.07.2018**. Sh.D.P.Verma, Sr Asstt from the office of Director Local Govt. Chandigarh was present. The PIO was directed to provide the information to the appellant within 10 days of the receipt of order and also explain the reason for not providing the information within the prescribed time limit under the RTI Act.

The case again came up for hearing on **28.08.2018**: Ms.Harpreet Kaur, Building Inspector-cum-APIO from the office of Commissioner Nagar Nigam Amritsar was present for the respondent. The Commission found that the PIO's replies are vague and wishy washy. The reply that the appellant had not attached a valid ID holds no ground as the matter has already been adjudicated before the First Appellate Authority. Regarding the statement of the PIO that the information is third party, the Commission finds that the PIO has not even tended to the provisions of section 11(1) of the RTI Act.

The Commission found gross negligence on the part of PIO and directed the PIO to send a notice to the third party for their submission. The PIO was also directed to explain the reasons for delay in handling the RTI application."

The case was last heard on **26.09.2018**. The respondent was absent. The Commission had recorded gross negligence on the part of the PIO while tending to the RTI application and to not abide by either the order of the First Appellate Authority or the second appellate, which is the State Commission, Punjab. The PIO was issued show cause notice for not supplying the information within the statutory prescribed period of time under the RTI Act and for not complying with the order of the Commission. The PIO was directed to file reply to the show cause on an affidavit and be present personally on the next date of hearing.

The case was last heard on **19.11.2018**. The order is reproduced hereunder:

"The appellant has informed that the information has not been provided to him so far. The respondent is absent. In the last hearing, the APIO, Ms.Harpreet Kaur (to be the deemed PIO by the Commission) was issued show cause notice and she was directed to file an affidavit in this regard. The PIO was also directed to be present personally failing which the Commission will be constrained to act on the show-cause notice ex-parte.

The respondent is again absent. The PIO has neither provided the information nor replied to the show cause notice. The Commission has taken a very serious note of this. The PIO is hereby granted last opportunity to reply to the show cause and be present personally before the Commission on the next date of hearing.

Since there is continuous denial of the information on the part of the PIO, the Commission directs the Chief Commissioner, Nagar Nigam Amritsar to ensure compliance of the orders of the Commission and also to ensure the presence of the PIO before the Commission alongwith reply to the show cause."

Hearing dated 15.01.2019:

The appellant is absent and vide email has sought exemption on medical grounds. The appellant has informed that no information has been provided. In the hearing on 26.09.2018, APIO, Ms.Harpreet Kaur (to be the deemed PIO by the Commission) was issued show cause notice and be present before the Commission alongwith reply to the show cause on an affidavit. In the last hearing, due to continuous denial of the information on the part of the PIO, the Chief Commissioner, Nagar Nigam, Amritsar was directed to ensure the compliance of the orders of the Commission and to ensure the presence of the PIO before the Commission.

The respondent is again absent and has neither provided the information nor has replied to the show cause notice. The APIO, Ms.Harpreet Kaur (to be the deemed PIO by the Commission) is given one more opportunity to be present before the Commission on the next date of hearing alongwith the reply to the show cause. The Chief Commissioner, Nagar Nigam, Amritsar is also directed to ensure the presence of the PIO before the Commission on the next date of hearing alongwith reply to the show cause.

The case is adjourned. To come up **on 11.03.2019** for further hearing.

Chandigarh
Dated: 15.01.2019.

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to : The Chief Commissioner,
Nagar Nigam, Amritsar

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Sh.Ravjot Singh, S/o Lt.Sh.Didar Singh,
H No-386/10, Neem Wala, Chowk, Brown Road,
Ludhiana.

....Appellant

Versus

Public Information Officer,
DTO,
Mohali.

First Appellate Authority,
DTO,
Mohali.

..Respondent

Appeal Case No. 1696 of 2018

Present: None for the Appellant
None for the Respondent

ORDER:

The case was first heard on **29.08.2018**. The respondent pleaded that the information relates to the office of SDM Kharar and the appellant has been informed for the same. The appellant was not satisfied. The PIO was directed to have a relook at the RTI and provide the information concerning to their department. The PIO was further directed to transfer the RTI application for the remaining information to the concerned department. The PIO, SDM Kharar was directed to provide the information which pertains to them in accordance with the RTI Act.

The case was again heard on **26.09.2018**. "The respondent present pleaded that since the vehicle in question for which the appellant has sought information was registered with the office of SDM, Kharar, they have transferred the RTI application to the PIO, SDM Kharar. The appellant is absent to point out whether he has received the information or not. The PIO-SDM, Kharar was directed to provide the information and be present on the next date of hearing.

The case was last heard on **19.11.2018**. The order is reproduced hereunder:

"The appellant is present. He has informed that the information has not been provided to him so far.

In the last hearing, the PIO, SDM Kharar was directed to provide the information and be present on the next date of hearing. The PIO has not provided the information as pointed out by the appellant. The PIO-SDM Kharar is again directed to provide the information to the appellant within 10 days. The PIO is also directed to be present personally on the next date of hearing and explain the reasons for delay in providing the information."

Hearing dated 15.01.2019:

The appellant is absent and vide email has sought exemption for personal appearance. The appellant however, has not informed whether the appellant has received the information or not.

The respondent is also absent without intimation to the Commission. The PIO-SDM Kharar is directed to comply with the earlier order of the Commission which still stands and be present personally on the next date of hearing alongwith the explanation for delay in providing the information, otherwise the Commission will be constrained to take action as per RTI Act.

The case is adjourned. Both the parties to be present on **11.03.2019 at 11.00 AM** for further hearing.

Chandigarh
Dated: 15.01.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to PIO-SDM, Kharar

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Smt.Rajni Gupta,
Street No-1, Sec-16, Mohan Nagar, Near Railway Phatak,
Dera Bassi .

Appellant.

Versus

Public Information Officer,
EO, Nagar Council,
Bhadour.

First Appellate Authority,
Regional Deputy Director,
Local Govt, Patiala. .

...Respondent

Appeal Case No. 1649 of 2018

Present: None for the Appellant
 None on behalf of the Respondent

ORDER:

The case was first heard on **09.07.2018**. The respondent was absent. The PIO was directed to be present personally on the next date of hearing and explain the reason for not providing the information.

The case was again heard on **07.08.2018**. Since both the parties were absent, the case was adjourned.

The case came up for hearing again on 08.10.2018. The appellant was absent. The PIO was also absent. The Commission had taken a serious note of the PIO being absent consecutively on three hearings without intimation and showing disregard for the RTI Act. The PIO was issued a show cause notice for not supplying the information within the statutorily prescribed period of time as well as not complying with the orders of the Commission. The PIO was further directed to be present personally on the next date of hearing and reply to the show cause notice through duly attested affidavit and provide information to the appellant before the next date of hearing.

The case was last heard on **21.11.2018**. The appellant was absent. The PIO was also absent without intimation to the Commission. The Commission took a serious view of the PIO's attitude on not appearing before the Commission on various hearings, as well for non-reply to the show cause notice issued to the PIO Estate Officer, Nagar Council, Bhadaur on 08.10.2018, and issued a bailable warrant u/s 18(3) of the RTI Act through Senior Superintendent of Police, Barnala for the presence of the PIO before the Commission on 15.01.2018.

Hearing dated 15.01.2019:

The case has come up for hearing today. The appellant is absent on 4th consecutive hearing and has not communicated whether the appellant has received the information or not. It seems that the appellant is not interested to seek the information. So the Commission is not inclined to pursue this case further. The bailable warrants of the PIO- Estate Officer, Nagar Council, Bhadauar is withdrawn and the case is **disposed off and closed**.

However, despite orders and directions to the PIO as well as bailable warrants issued through SSP Barnala, the PIO has failed to intimate about the status of the information whether provided or not and also not appeared before the Commission. The Commission is constrained to take serious note of the conduct of the PIO having scant regard towards the RTI Act which has been enacted by the Parliament, and recommends strict disciplinary action against the PIO- Estate Officer, Nagar Council, Bhadauar as provided under section 20 of the RTI Act. The Deputy Director, Local Bodies, Patiala is directed to take appropriate disciplinary action against the PIO as per law and intimate to the Commission

Under this observation, the matter is **closed**.

Chandigarh
Dated: 15.01.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to The Deputy Director, Local Bodies, Patiala

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Sh. Tejinder Singh,
R/o Village Bholapur, P.O Ramgarh,
Chandigarh Road, Ludhiana.

....Appellant.

Versus

Public Information Officer,
SDM, Licensing Authority & Registering,
Sri Anandpur Sahib.

First Appellate Authority,
DC,
Ropar.

...Respondent

Appeal Case No. 1325 of 2018

Present: Sh.Tejinder Singh as Appellant
None for the Respondent

ORDER:

The case was first heard on **25.06.2018**. The PIO was directed to forward the RTI application relating to point No.4, 5 & 9 to the concerned department and PIO of that department was directed to provide the information to the appellant and be present on the next date of hearing. “

The case was again heard on **01.08.2018**: The PIO was directed to provide the information relating to point No.4 as per original order. The PIO, STC was also directed to provide the information concerning them and to appear on the next date of hearing.

The case again came up for hearing on **05.09.2018**: The respondent present from the office of SDM (Licensing and Registering Authority) pleaded that the information regarding point No.4 has been sent to the appellant. The APIO from State Transport Commission had not brought the information regarding point No.9 as according to him there was no clarity about which sub-division the information was sought. However, since it was clear that the information sought is concerning Anandpur Sahib, the PIO was directed to send the information regarding point No.9 to the appellant within 10 days of the receipt of the orders of the Commission.

The case was again heard on **09.10.2018**. The appellant was absent and sought adjournment. Vide email, the appellant further informed that he has not received the remaining information.

The respondent present pleaded that the information pertains to the Anandpur Sahib. It was observed that the PIO is dilly dallying in providing this particular information and therefore, the PIO, STC, Punjab was directed to coordinate and collect the information from the concerned department and send the same to the appellant within 15 days through registered post. The PIO was also directed to send the compliance report to the Commission.”

Appeal Case No. 1325 of 2018

The case was last heard on **21.11.2018**. The order is reproduced hereunder:

“The respondent from the O/o STC Punjab has pleaded that the information regarding point No.9 has been sent to the appellant vide letter dated 26.10.2018 and a copy is submitted to the Commission. In the letter, the PIO has informed to the appellant that there is no driving test track in Sub Division Anandpur Sahib and the driving test track is available in Ropar.

The PIO is directed to collect the information regarding driving track tests undertaken by the residents of Shri Anandpur Sahib from the concerned division and provide the same to the appellant .”

Hearing dated 15.01.2019:

The respondent is absent without intimation to the Commission. In the last hearing, the PIO-STC, Punjab Chandigarh was directed to collect the information regarding point No.9 i.e. driving track tests undertaken by the residents of Shri Anandpur Sahib from the concerned division and provide the same to the appellant.

The appellant is present and pleaded that the information has not been provided by the PIO. The Commission has taken a serious view of the scant regard of the PIO and directs the PIO-STC Punjab Chandigarh to provide the information to the appellant as per earlier order of the Commission within 10 days otherwise the Commission will be constrained to take action as per RTI Act.

The case is adjourned. Both the parties to be present on **11.03.2019 at 11.00 AM** for further hearing.

Chandigarh
Dated: 15.01.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to: PIO, STC Punjab, Chandigarh.

Note: Sh.Davinder Kumar, PIO-STC appeared late and informed that the information has been provided to the appellant. Since appellant had left and the case could not be adjudicated, the PIO was directed to comply with the earlier order of the Commission.

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Sh. Tejinder Singh,
R/o Village Bholapur, P.O Ramgarh,
Chandigarh Road, Ludhiana.

....Appellant.

Versus

Public Information Officer,
SDM, Licensing Authority & Registering,
Malerkotla.

First Appellate Authority,
DC,
Sangrur

...Respondent

Appeal Case No. 1328 of 2018

Present: Sh.Tejinder Singh as Appellant
None for the Respondent

ORDER:

The case was first heard on **25.06.2018**. The appellant was directed to visit the office of PIO and inspect the record and get the information he wants. The PIO was directed to provide information relating to point No.9 concerning their department i.e. only graph with name relating to point No.9 in CD and charge requisite cost or send through email.

The case was again heard on **01.08.2018**. The respondent pleaded that it is not possible for them to provide information in CD form as the information is of voluminous nature and it includes personal information of the applicants. After long discussions, the appellant asked that he does not need a CD and he can be provided a list of the successful applicants with application number. The PIO was directed to provide the same.

The case came up again for hearing on **05.09.2018**. The appellant was absent. The respondent present pleaded that he has brought the information regarding point No.9. The respondent was directed to send the same to the appellant through registered post. The PIO, O/o SDM was exempted for appearance on next hearing.

For the information regarding point No. 3,4 5 & 6, the RTI application was transferred to DTO Sangrur. The PIO, DTO Sangrur was directed to be present on the next date of hearing. The appellant was also directed to be present on the next date of hearing.

The case was again heard on **09.10.2018**. The appellant is absent and sought adjournment. The appellant vide email further informed that he has not received the remaining information. The PIO was also absent. The PIO-DTO Sangrur was granted one last opportunity to provide the information regarding points 3,4,5 & 6 and be present personally on the next date of hearing with solid reasons for not complying the orders of the Commission."

The case was last heard on **21.11.2018**. The order is reproduced hereunder:

"In the hearing on 05.09.2018, the respondent present from the office of SDM Malerkotla informed that the information regarding point No.9 has been provided and the RTI application for the information regarding Points 3,4,5&6 has been transferred to the PIO, RTO Sangrur. The PIO RTO Sangrur was directed to provide the information concerning to their office and be present on the next date of hearing which was fixed for 09.10.2018.

In the hearing on 09.10.2018, the PIO was again absent and neither provided the information as per orders of the Commission. The PIO was granted one last opportunity to provide the information and to be present personally on the next date of hearing with solid reasons for not complying with the orders of the Commission. The appellant is present and informed that he has not received the information as per orders of the Commission.

It is clear that the PIO, RTO Sangrur is not serious in compliance with the orders of the Commission and has preferred to be absent on 2nd consecutive hearing. 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**, he 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.”

Hearing dated 15.01.2019:

The appellant is present and informed that the PIO-RTA Sangrur has not provided the information.

In the last hearing, the PIO-RTA Sangrur was issued show cause notice for not complying with the orders of the Commission and the PIO was directed to file reply on an affidavit. The PIO-RTA is absent and has not sent any reply to the show cause. The Commission has taken a serious view of the scant regard of the PIO towards the RTI Act. The PIO-RTA Sangrur is given last opportunity to be present personally or through a representative on the next date of hearing alongwith reply to the show cause notice on an affidavit. The PIO is also directed to provide the information to the appellant within 10 days and send a compliance report to the Commission.

The case is adjourned. Both the parties to be present on **11.03.2019 at 11.00 AM** for further hearing.

Chandigarh
Dated: 15.01.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to PIO- RTA Sangrur

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Sh. Surinder Pal, S/o Sh. Mehar Chand,
R/o B-34-449, Amanvihar, Chander Nagar,
Ludhiana.

... Appellant

Versus

Public Information Officer,
Municipal Corporation,
Ludhiana.

First Appellate Authority,
Municipal Corporation,
Ludhiana.

...Respondent

Appeal Case No. 1382 of 2018

Present: None for the Appellant
 Sh.Baldev Singh, Jr.Assistant O/o MC Ludhiana for the Respondent

ORDER: The case was first heard on **20.06.2018**. The respondent was absent. The PIO was directed to be personally present on the next date of hearing along with proof of having provided the information to the appellant.

The case was again heard on **17.07.2018**. The PIO was absent. The PIO was issued a show cause notice for not supplying the information within the statutorily prescribed period of time as well as not complying with the orders of the Commission. He was also directed to be personally present on the next date of

The case was again heard on **08.08.2018**. The appellant informed that he has received the information and is satisfied. The PIO was hereby directed to submit affidavit duly attested with solid reasons for the delay in providing the information and not complying with the orders of the Commission which will be considered on the next date of hearing. The PIO was further directed to be present personally on the next date of hearing.

The case again came up for hearing on **30.08.2018**: The PIO was absent. The PIO was given last opportunity to be personally present on the next date of hearing and submit affidavit duly attested with solid reasons for delay in providing the information and not complying with the orders of the Commission failing which the Commission will be compelled to take action under the RTI Act 2005.

The case was last heard on **09.10.2019**. Sh.Bhupinder Singh Sandhu, PIO-MC Ludhiana was finally present. Sh. Gurmeet Singh, clerk in the MC was also present. They filed an affidavit explaining the reasons as well as apologizing for the delay.

On close scrutiny of the affidavit, it was found that the affidavit was not by the PIO but by Gurmeet Singh, clerk in the MC.

The PIO at the hearing pleaded that he be pardoned as the delay in providing the information was because of a tragic fire incident that had taken place last year in which a few firemen had also died. He, however, could not explain the reasons for the continuous defiance of the commission's orders. Keeping all facts in mind, by invoking section 20 of the RTI Act, a penalty of Rs.5000/- was imposed upon the PIO, Sh.Bhupinder Singh Sandhu, 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 case was last heard on **21.11.2018**. The order is reproduced hereunder:

"The case has come up for hearing today. The respondent is absent. In the last hearing, the PIO Sh.Bhupinder Singh Sandhu was present. Due to continuous defiance of the Commission's orders, the PIO Sh.Bhupinder Singh Sandhu was imposed upon a penalty of Rs.5000/-. The PIO was directed to deposit the penalty in the Govt. Treasury and inform the Commission of the compliance of the orders by producing a copy of the challan.

The order was dispatched at the given address of the PIO i.e. Municipal Corporation, Ludhiana which has been received back undelivered with the remarks of the postal authority "incomplete address" whereas the earlier orders stand delivered on the same address and the PIO received the orders and appeared before the Commission on 09.10.2018.

The PIO Sh.Bhupinder Singh Sandhu is 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 order be sent via **registered post** to the PIO."

Hearing dated 15.01.2019:

The respondent present informed that in compliance with the order of the Commission, they have got demand draft of Rs.5000/- but since the Treasury office has started accepting only online transactions, the draft was not accepted by the treasury office. The respondent further pleaded that they will deposit the penalty amount online in a day or two and send compliance report to the Commission.

The PIO is directed to duly inform the Commission of the compliance of the orders by producing a copy of the receipt/challan justifying the deposition of the penalty in the Govt Treasury within 3 working days.

To come up for hearing **on 11.03.2019 at 11.00AM**.

Chandigarh
Dated: 15.01.2019.

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to The Commissioner, Municipal Corporation,
Ludhiana.

PUNJAB, STATE INFORMATION COMMISSION
Sector-16, Madhya Marg, Near Rose Garden, Chandigarh

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Sh.Tejinder Singh,
Village Bholapur, P.O Ramgarh,
Chandigarh Road, Ludhiana.

Appellant.

Versus

Public Information Officer,
O/o SDM, Licensing & Registration Authority,
Kapurthala.

First Appellate Authority,
O/o DC, Kapurthala

...Respondent

Appeal Case No. 1657 of 2018

Present: Sh.Tejinder Singh as Appellant
None for the Respondent

ORDER: The case was first heard on 21.08.2018. The respondent present pleaded that the appellant was asked vide letter dated 28.12.217 to specify the category of license for which the information was sought but the appellant has not responded the letter. The appellant pleaded that instead providing information, he has been asked for the purpose of seeking information in violation of the provisions of the RTI Act.

The PIO was directed to provide the point-wise information to the appellant and explain the rationale behind asking the purpose of information u/s 6(2) of the RTI Act."

The case was last heard on **15.10.2018**. The appellant was absent and sought adjournment. Vide email, the appellant further informed that the information has not been provided to him by the PIO.

The respondent was also absent and vide letter received in the Commission on 12.10.2018, the PIO sought adjournment. In the letter, the PIO also mentioned that since the information pertains to STC Punjab, Chandigarh, they have already written to them vide letter dated 27.09.2018 to provide the information but this office has not received the information from them. The PIO was directed to comply with the earlier orders of the Commission which still stands and be present on the next date of hearing.

The case was last heard on **21.11.2018**. The order is reproduced hereunder:

"The appellant informed that information has not been provided to him. The respondent is absent. In the hearings on 21.08.2018 and 15.10.2018, the PIO was directed to provide point-wise information to the appellant. In a communication, the PIO has mentioned that some information pertains to STC, Punjab, Chandigarh.

I make the PIO, SDM (Licensing&Registration Authority)Kapurthala as deemed PIO and direct him to provide all the information point-wise and if the information pertains to any other department, it is the responsibility of the PIO,SDM(Licensing&Registration Authority) Kapurthala to collect and provide to the appellant. It is a clear case of dilly dallying by not complying with the orders of the Commission. Failure to comply with the orders can attract action as per RTI Act. The information be provided to the appellant before the next date of hearing."

Hearing dated 15.01.2019:

The respondent is absent. The Commission has received a letter dated 11.01.2019 from the PIO stating that the information concerning to them has been provided to the appellant vide letter dated 08.01.2019 and a copy of the same is submitted to the Commission. The PIO has mentioned in the letter that since the information regarding points 2 to 5 relates to STC Punjab, Chandigarh, the PIO-STC Punjab, Chandigarh was asked vide letter dated 27.09.2018 to provide the information concerning to them, but they have not responded to the RTI application so far.

In the last hearing, the PIO-SDM, Kapurthala was made as deemed PIO and the PIO-SDM Kapurthala was directed to coordinate and provide all the information point-wise to the appellant.

The appellant claims that since the website of the department can only be accessed via a password, the information regarding point 7 cannot be downloaded. The appellant further informed that the information regarding points 2 to 5 has not been provided and the appellant is not satisfied with the reply of the PIO regarding point No.9 as he wants the information in CD/pen drive.

The PIO –SDM, Kapurthala is directed to clarify regarding point 7 and provide the information as per RTI application. The PIO is also directed to provide information regarding point 9 in CD/Pen-Drive since there are previous examples of providing the similar information on CD(Fatehgarh Sahib and Nawanshahar). The PIO-STC, Punjab, Chandigarh is also made a party to the case and the PIO-STC is directed to bring the information regarding points 2 to 5 on the next date of hearing.

To come up for further hearing on **11.03.2019 at 11.00 AM** for further hearing.

Chandigarh
Dated: 15.01.2019.

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to :PIO-STC, Punjab, Chandigarh

Note: Sh.Vikram Sharma, Clerk from the office of SDM-Kapurthala appeared late and informed that the information has been provided to the appellant. Since the appellant had left and the case was adjourned, the respondent was directed to comply with the orders of the Commission.

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ShTejinder Singh,
Village Bholapur, P.O Ramgarh,
Chandigarh Road, Ludhiana.

.....Appellant.

Versus

Public Information Officer,
O/o MC,
Tarn Taran.

First Appellate Authority,
O/o Deputy Director Local Bodies,
Amritsar.

...Respondent

Appeal Case No. 1654 of 2018

Present: Sh.Tejinder Singh as Appellant
Sh.Ajay Pal Singh, Clerk, O/o MC Tarn Taran for the Respondent

ORDER: The case was first heard on **21.08.2018**. The respondent present pleaded that the appellant was asked vide letter dated 19.12.2017 to deposit requisite fee of Rs.18820/- but the appellant has not deposited the same. The appellant informed that he had requested the PIO that the demanded amount is very huge amount and he be allowed to inspect the record and thereafter, he will deposit the fee for the required information. The appellant further pleaded that the record is not very voluminous and can be brought in the Commission.

The PIO was directed to bring the record so that the appellant can inspect and get the information he desires by paying the requisite fee under RTI Act."

The case was last heard on **15.10.2018**. The appellant was absent and sought adjournment. Vide email, the appellant further informed that on the call of the PIO, he had visited the office of PIO on 12.10.2018 and met Sh.Ajaypal Clerk who informed that he does not have keys of the alimirah where the record is kept.

The respondent was absent without intimation to the Commission. The PIO was directed to contact the appellant within 2 days of the receipt of the orders of the Commission and fix a mutually convenient date for inspection failing which the Commission will be compelled to take action against the PIO as per RTI Act."

The case was last heard on **21.11.2018**. The order is reproduced hereunder:

"The appellant informed that he has not been communicated for fixing a date of inspection. The respondent is absent. The PIO is directed to send a formal communication to the appellant to fix a convenient date for inspection and comply with the previous order which still stands failing which the Commission will be compelled to take action against the PIO as per the RTI Act. The PIO is directed to give a minimum week's notice to the appellant."

Hearing dated 15.01.2019:

The respondent present informed that the information has been provided. The appellant has received the information and is satisfied.

Since the information has been provided, no further course of action is required. The case is **disposed off and closed**.

Chandigarh
Dated: 15.01.2019.

Sd/-
(Khushwant Singh)
State Information Commissioner

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Smt. Renu Bala, W/o Sh. Davinder Kumar,
H No-7, Chotta Chowk, Malerkotla..

... Appellant

Versus

Public Information Officer,
Principal, S.A Jain High School,
Malerkotla.

First Appellate Authority,
DEO (SE),
Sangrur

...Respondent

Appeal Case No. 1747 of 2018

Present: **None for the Appellant**
 None for the Respondent

ORDER:

The case was first heard on **30.08.2018**: The respondent was absent and has sought adjournment due to hearing before the Educational Tribunal in another case. The PIO was directed to provide the information to the appellant within 15 days of the receipt of orders of the Commission. The PIO was also directed to explain the reasons for not responding to the RTI application within time prescribed under the RTI Act."

The case was last heard on **09.10.2018**. The respondent present pleaded that the information is with the Management Committee and the appellant has been informed vide letter dated 18.04.2018. The PIO was directed to procure the information from the Management Committee and send the same to the appellant within 15 days. The PIO was also directed to send a compliance report to the Commission.

The case was last heard on **21.11.2018**. The order is reproduced hereunder:

"The respondent has pleaded that he is appearing as an attorney of the PIO and sought adjournment. The counsel further pleaded that he only came about the case a day before and assured to provide the information before the next date of hearing.

The Commission observed that the Management is using delaying tactics to avoid the information. The Commission hereby directs the PIO to comply with the previous order which still stands and in case the order is not complied with, the Commission will be constrained to take action as per the RTI Act."

Hearing dated 15.01.2019:

The respondent is absent and vide email has sought exemption for personal appearance on medical grounds. The appellant is also absent and has not intimated whether the appellant has received the information or not.

The PIO is directed to comply with the earlier order of the Commission which still stands and send a compliance report to the Commission.

The case is adjourned. Both the parties to be present on **11.03.2019 at 11.00 AM** for further hearing.

Chandigarh
Dated: 15.01.2019.

Sd/-
(Khushwant Singh)
State Information Commissioner

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Smt .Rajni Gupta,
Street No-1, Sec-16, Mohan Nagar,
Near Railway Phatak,
Dera Bassi .

Appellant.

Versus

Public Information Officer,
EO, Nagar Council,
Bhadour.

First Appellate Authority,
Regional Deputy Director,
Local Govt, Patiala

...Respondent

Appeal Case No. 1652 of 2018

Present: None for the Appellant
 None on behalf of Respondent

ORDER:

The case was first heard on **09.07.2018**. The respondent was absent. The PIO was directed to be present personally on the next date of hearing and explain the reason for not providing the information.

The case was again heard on **07.08.2018**. Since both the parties were absent, the case was adjourned.

The case came up for hearing again on **08.10.2018**. The appellant was absent. The PIO was also absent. The Commission had taken a serious note of the PIO being absent consecutively on three hearings without intimation and showing disregard for the RTI Act. The PIO was issued a show cause notice for not supplying the information within the statutorily prescribed period of time as well as not complying with the orders of the Commission. The PIO was further directed to be present personally on the next date of hearing and reply to the show cause notice through duly attested affidavit and provide information to the appellant before the next date of hearing.

The case was last heard on **21.11.2018**. The appellant was absent. The PIO was also absent without intimation to the Commission. The Commission took a serious view of the PIO's attitude on not appearing before the Commission on various hearings, as well for non-reply to the show cause notice issued to the PIO Estate Officer, Nagar Council, Bhadauar on 08.10.2018, and issued a bailable warrant u/s 18(3) of the RTI Act through Senior Superintendent of Police, Barnala for the presence of the PIO before the Commission on 15.01.2018.

Hearing dated 15.01.2019:

The case has come up for hearing today. The appellant is absent on 4th consecutive hearing and has not communicated whether the appellant has received the information or not. It seems that the appellant is not interested to seek the information. So the Commission is not inclined to pursue this case further. The bailable warrants of the PIO- Estate Officer, Nagar Council, Bhadauar is withdrawn and the case is **disposed off and closed**.

However, despite orders and directions to the PIO as well as bailable warrants issued through SSP Barnala, the PIO has failed to intimate about the status of the information whether provided or not and also not appeared before the Commission. The Commission is constrained to take serious note of the conduct of the PIO having scant regard towards the RTI Act which has been enacted by the Parliament, and recommends strict disciplinary action against the PIO- Estate Officer, Nagar Council, Bhadauar as provided under section 20 of the RTI Act. The Deputy Director, Local Bodies, Patiala is directed to take appropriate disciplinary action against the PIO as per law and intimate to the Commission.

Under this observation, the matter is **closed**.

Chandigarh
Dated: 15.01.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to The Deputy Director, Local Bodies, Patiala