**PUNJAB STATE INFORMATION COMMISSION**

**RED CROSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGRH**

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**Emaiil:psic22@punjabmail.gov.in**

Sh. Puneet K Sharma Advocate

Chamber No.349, 2nd Floor,

Yadvindra Complex, Lawyers’ Chamber,

Distt. Courts, Patiala Appellant

Versus

Public Information Officer,

O/o Commissioner/Mayor,

Municipal Corporation, Patiala (Respondent No.1)

Public Information Officer,

O/o Civil Surgeon,

Patiala. (Respondent No.2)

**APPEAL CASE NOs.2562 and 2565 of 2017**

Date of RTI application : 28.10.2016

Date of First Appeal : 20.03.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :12.09.2017

**Present:** None on behalf of the Appellant.

Sh. Ravinder Kumar, Food Clerk, O/o Civil Surgeon, Patiala – for Respondents.

**ORDER**

The following interim order was passed on 09.11.2017:

*“Since the appellant and the respondent are same and the subject is identical a single order shall dispose of both the appeals.*

*The original application was filed by the appellant on 28.10.2016. Having failed to get a suitable reply/information from the respondent the appellant has filed a second appeal with the Commission on 12.09.2017. There is a significant delay in filing the second appeal. The appellant says that an important issue is under contention. He has been hoping against hope to get the information timely from the respondent. He pleads to condone the delay. Essentially the sought for information relates to the regulation mechanism in place to ensure the hygiene of the eatable being dispensed in the municipal areas of the respondent authority. The respondent says that the issue in*  Contd…page…2

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**APPEAL CASE NOs.2562 and 2565 of 2017**

*hand is being handled/monitored by the Civil Surgeon, Patiala. The original application was duly forwarded to him on 16.11.2016 under Section 6(3) of the Act. He further says that a separate application on the same score was also filed to the Civil Surgeon, Patiala.*

*However, the same stays un-responded. The Commission takes a serious note of the apathy and the indifference shown by the office of the Civil Surgeon. It deems it as a case of willful denial of information. Before a penal action is taken the PIO in the office of the Civil Surgeon, Patiala is directed to suitably inform the appellant of the information sought by him besides explaining the uncalled for delay in providing the information.”*

The case has come up today. The respondent PIO in the office of the Civil Surgeon denies having received a written letter from the office of Municipal Corporation, Patiala. It does not lie in their mouth at this stage to make such a stance. The Commission takes a serious note of the apathy shown by them. Nonetheless, a copy which is available on the file of the Commission has been handed over to the representative of the Respondents on spot to suitably inform the appellant under intimation to the Commission.

To come up on **27.03.2018 at 11.30 AM.**

**Sd/-**

**15.02.2018 (Yashvir Mahajan)**

**State Information Commissioner**

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Sh. Manjeet Singh

H.No.388/3, Bahera Road,

Patiala Appellant

Versus

Public Information Officer,

O/o Senior Superintendent of Police,

Patiala

First Appellate Authority

O/o Senior Superintendent of Police,

Patiala Respondents

**APPEAL CASE NO.2655/2017**

**Date of RTI Application : 18.07.2017**  **Date of First Appeal : 21.08.2017**

**Date of letter of FAA : Nil**

**Date of Second Appeal : 26.09.2017**

**Present:** Sh. Manjeet Singh, Appellant in person.

HC Hakam Singh, RTI Br.,O/o SSP, Patiala – for Respondents.

**ORDER**

The following order was passed by this forum on 07.12.2017:

*“The following interim orders were passed by the Commission on 14.11.2017:*

*“The respondents have filed a written reply in which it has been submitted that the information comprised in 29 pages has been sent to the appellant. The appellant submits that the information thus stated to have been sent does not relate to his original application.*

*The respondents seek an adjournment to look into the matter. They are directed to do the needful before the next date of hearing.”*

*“The matter has come up today. The respondents have brought along the information which has been handed over to the appellant on spot. Having gone through it he says that the information is deficient as the name and designation of the officer inquiring into the complaint has not been revealed. Besides, the copies of the statements have also not been parted with. The respondents are directed to do the needful under intimation to the Commission.”*

*Contd…page…2*

*-2-*

**APPEAL CASE NO.2655/2017**

The appellant has failed to pin-point any deficiency in the information thus provided to him. Another opportunity is afforded to do the need full under intimation to the Commission. The information thus pointed out to have been omitted shall be provided on payment of the requisite fee which shall be duly conveyed to the appellant by respondents in writing.

To come up on **03.04.2018 at 11.30 AM.**

**Sd/-**

**15.02.2018 (Yashvir Mahajan)**

**State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

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Sh. Ashok Kumar,

House No.214, Pine Homes,

Dhakoli, Zirakpur -160104

Distt. S.A.S. Nagar. Appellant

Versus

Public Information Officer,

O/o Executive Officer,

Municipal Council, Zirakpur

Distt. S.A.S.Nagar.

First Appellate Authority

O/o Regional Deputy Director,

Local Bodies, Punjab, Mini Sectt.,

Patiala Respondents

**APPEAL CASE NO.2111/2017**

Date of RTI application : 07.04.2017

Date of First Appeal : 27.05.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 01.08.2017

**Present:** None.

**ORDER**

The information has already been passed on to the appellant. None is present on behalf of the Parties. The Commission finds that it shall not be of use to keep the matter pending.

**Disposed.**

**Sd/-**

**15.02.2018 (Yashvir Mahajan)**

**State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

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Sh. Rajesh Kumar

S/o Sh. Mahavir Singh,

R/o Village Suchan Kotli

Tehsil & Distt. Sirsa ( Haryana) Appellant

Versus

Public Information Officer,

O/o Chief Director, Vigilance Bureau, Punjab

SCO No.60-61, Sector-17-D,

Chandigarh

.

First Appellate Authority

O/o Chief Director, Vigilance Bureau, Punjab

SCO No.60-61, Sector-17-D,

Chandigarh Respondents

**APPEAL CASE NO.2857/2017**

Date of RTI application : 01.08.2017

Date of First Appeal : 09.09.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :13.10.2017

**Present:** Sh. Rajesh Kumar, Appellant in person.

SI Avtar Singh, APIO, In charge RTI Br., O/o Vigilance Bureau, Punjab – for Respondents.

**ORDER**

The Commission had passed the following order on 12.12.2017:

*“Sh. Gurnam Singh, Sr. Assistant appearing on behalf of the PIO, O/o Director General of Police, Punjab, says that the information was sent to him under registered cover. The appellant denies having received it. A photo copy of the same has been arranged to be handed over to the appellant on spot. The appellant may go through it and file reservations, if any, before the next date of hearing.*

*As the issue concerns the normal crime investigations, no role of the Vigilance Bureau is involved. Accordingly, they are exempted from the appearance in the Court in future.”*

None is present on behalf of the PIO, O/o Director General of Police, Punjab, Chandigarh. The appellant submits that the information provided to him has been found wanting to the extent that a report of enquiry dated 17.07.2017 conducted by the then DIG, Ferozepur Range, Contd…page…2

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**APPEAL CASE NO.2857/2017**

Ferozepur has not been provided. The respondents are directed to do the needful under intimation to the Commission before the next date of hearing positively failing which the Commission shall be constrained to invoke the penal provisions of the Act.

To come up on **15.03.2018 at 11.30 AM.**

**Sd/-**

**15.02.2018 (Yashvir Mahajan)**

**State Information Commissioner**

**CC: The PIO, O/o The Director General of Police, Punjab, Punjab Police Headquarter, Sector – 9, Chandigarh, for n/a.**

**\**

**PUNJAB STATE INFORMATION COMMISSION**

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Sh. Nirvinder Singh

Village Kansal, P.O. Nada

Tehsil Kharar Distt. S.A.S. Nagar. Appellant

Versus

Public Information Officer,

O/o Civil Judge (Sr. Div.),

Fatehgarh Sahib.

Public Information Officer,

O/o Civil Judge (Sr. Div.),

Patiala

First Appellate Authority

O/o Civil Judge (Sr. Div),

Fatehgarh Sahib.

First Appellate Authority,

O/o Civil Judge (Sr. Div.),

Patiala. Respondents

**APPEAL CASE NOs. 2634 and 2633 of 2017**

**Date of RTI Application : 16.01.2017/18.01.2017**  **Date of First Appeal : 10.03.2017, 03/2017**

**Date of letter of FAA : Nil/06.07.2017**

**Date of Second Appeal : 25.09.2017**

**Present:** Sh. Nirvinder Singh, Appellant in person.

Sh. Prabhjot Singh, Naib Nazir, O/o Civil Judge (Sr. Div.), Patiala – for Respondents.

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**ORDER**

Heard.

The order is reserved to be pronounced on **20.03.2018 at 11.30 AM.**

**Sd/-**

**15.02.2018 (Yashvir Mahajan)**

**State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

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Sh.Jai Parkash Chhabra,

H.No.92, Street No.21, Tripuri,

Patiala Complainant

Versus

Public Information Officer,

O/o Sub Registrar-cum- Tehsildar,

Mini Sectt. Patiala.

Respondent

**COMPLAINT CASE NO. 1007/2017**

**Date of RTI Application : 24.07.2017**  **Date of First Appeal : Nil**

**Date of letter of FAA : Nil**

**Date of Second Appeal : 18.09.2017**

**Present:** Sh. Jai Parkash Chhabra, Complainant in person.

None on behalf of the Respondent.

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**ORDER**

The following order was passed by the Commission on 12.12.2017:

*“Despite a couple of notices the Tehsildar Patiala is neither present nor any written reply has been submitted by him. The Commission has already expressed its strong exception on the indifferent attitude of the respondents.*

*The Commission takes it as a violation of Section 7(1) of the Act and issues a show cause notice to the PIO to explain in a self- attested affidavit as to why a penalty @ Rs.250/- per day of delay subject to maximum of Rs.25,000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on him for causing willful delay / denial of the information to the RTI applicant and why the compensation be not awarded to the Complainant under Section 19 (8) (b) of the Act for the detriment suffered by him.*

*In addition to the written reply, the PIO is also given an opportunity under Section 20(1) proviso thereto, for a personal hearing before the imposition of such penalty on the next date of hearing. He may take note that in case he does not file his written reply and does not avail himself of Contd… page…2*

*-2-*

***COMPLAINT CASE NO.1007/2017***

*the opportunity of personal hearing on the date fixed, it will be presumed that he has nothing to say and the Commission shall proceed to take further proceedings against him ex parte.”*

It is strange that neither the PIO is present nor any written reply has been submitted. The Commission is well within jurisdiction to penalize the respondent PIO, the Tehsildar – cum – Sub Registrar, Patiala for the dereliction on his part. However, affording him another opportunity to refrain from doing so for the time being. What transpires from hearing the complainant is that someone has forged a document to transfer a property by impersonation. The complainant alleges that he is being harassed by the police for want of proper enquiry by the office of the Sub Registrar to convey the correct situation to the jurisdictional police. He also alleges some complicity of his office. The inaction on the part of the Tehsildar and the competent revenue authorities allegedly has resulted in miscarriage of justice.

Whereas the Commission desires the Deputy Commissioner, Patiala to have the matter looked into and take appropriate action simultaneously he is desired to ask the PIO to file a written statement for having failed to timely supply the information with a copy to the complainant without further loss of time. May it be noted that a show cause notice for willful denial of information has been issued to the PIO and no further opportunity shall be afforded to impose the penalty.

To come up on **27.03.2018 at 11.30 AM.**

**Sd/-**

**15.02.2018 (Yashvir Mahajan)**

**State Information Commissioner**

**CC: The Deputy Commissioner, Patiala, for n/a.**

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Sh. Jai Parkash Chhabra,

H.No.92, Street No.21, Tripuri,

Patiala Complainant

Versus

Public Information Officer,

O/o Sub Registrar-cum- Tehsildar,

Mini Sectt. Patiala Respondent

**COMPLAINT CASE NO.1008/2017**

**Date of RTI Application : 12.07.2017**  **Date of First Appeal : Nil**

**Date of letter of FAA : Nil**

**Date of Second Appeal : 18.09.2017**

**Present:** Sh. Jai Parkash Chhabra, Complainant in person.

None on behalf of the Respondent.

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**ORDER**

The following order was passed by this forum on 12.12.2017:

*“Despite a couple of notices the Tehsildar Patiala is neither present nor any written reply has been submitted by him. The Commission has already expressed its strong exception on the indifferent attitude of the respondents.*

*The Commission takes it as a violation of Section 7(1) of the Act and issues a show cause notice to the PIO to explain in a self- attested affidavit as to why a penalty @ Rs.250/- per day of delay subject to maximum of Rs.25,000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on him for causing willful delay / denial of the information to the RTI applicant and why the compensation be not awarded to the Complainant under Section 19 (8) (b) of the Act for the detriment suffered by him.*

*In addition to the written reply, the PIO is also given an opportunity under Section 20(1) proviso thereto, for a personal hearing before the imposition of such penalty on the next date of Contd… page…2*

*-2-*

***COMPLAINT CASE NO.1008/2017***

*hearing. He may take note that in case he does not file his written reply and does not avail himself of the opportunity of personal hearing on the date fixed, it will be presumed that he has nothing to say*

*and the Commission shall proceed to take further proceedings against him ex parte.”*

The respondents may refer to the order passed by the Commission on 15.02.2018 in Complaint Case No.1007 of 2017. The PIO, O/o Sub Registrar –cum- Tehsildar, Patiala is again directed to pass on the information to the complainant without further loss of time. No more opportunity shall be afforded.

To come up on **27.03.2018 at 11.30 AM.**

**Sd/-**

**15.02.2018 (Yashvir Mahajan)**

**State Information Commissioner**

**CC: The Deputy Commissioner, Patiala, for n/a.**

**PUNJAB STATE INFORMATION COMMISSION**

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Sh. Sandeep Singh Ahuja,

Chamber No.249, District Courts,

Patiala Appellant

Versus

Public Information Officer,

O/o Municipal Corporation,

Patiala

First Appellate Authority

O/o Commissioner,

Municipal Corporation,

Patiala Respondents

**APPEAL CASE NO.2416/2014**

Date of RTI application : 08.02.2014

Date of First Appeal : 16.05..2014

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :22.07.2014

**Present:** None on behalf of the Appellant.

1. Sh. Tarlok Singh, PIO – cum – Sr. Town Planner, and

2. Sh. Tarun Kumar, Building Inspector, MC Office, Patiala.

**ORDER**

This is a long standing case in which the Commission has passed an order to identify the delinquent officials on whom the penalty imposed has to be recovered. The respondents have filed a written reply.

The order is **reserved to be pronounced on** **20.03.2018 at 11.30 AM.**

**Sd/-**

**15.02.2018** **(Yashvir Mahajan)**

**State Information Commissioner**