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Sh. Jasbir Singh,

Village Bholapur Jhabewal,

P.O. Ramgarh, Distt. Ludhiana Appellant

Versus

Public Information Officer,

O/o Chief Secretary to Govt. of Punjab,

Punjab Civil Sectt.-1, Sector-1,

Chandigarh

First Appellate Authority

O/o Chief Secretary to Govt. of Punjab,

Punjab Civil Sectt.-1, Sector-1,

Chandigarh Respondents

**APPEAL CASE NO.11/2018**

Date of RTI application : 26.09.2017

Date of First Appeal : 04.11.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 20.12.2017

**Present:** None is present on behalf of Appellant.

1. Sh. Manjit Singh, S.A. O/o Addl. Chief Secy. (Home)
2. Sh. Parminder Singh, APIO, Central Jail, Ludhiana- For Respondents

**ORDER**

It should be read in the continuation of the order of the Commission on 13.02.2018 which is reproduced as under:

**“***The appellant is not present. Nothing has been heard from him as well.   
Sh. Parminder Singh, APIO, Central Jail, Ludhiana submits that his application was received by them on 02.11.2017 having travelled through Coordination Branch, Pb. Civil Secretariat; Jails Branch, Department of Home and ADGP (Prisons),Punjab. Since the information is comprised in 204 pages, the appellant was desired to deposit Rs.408/- being the cost of information and postage expenses. Nothing has been heard from him. They further say that for want of payment of the requisite fee, the appellant is not entitled to the information.*

*The appellant is advised to file a rejoinder to the above submissions made by the respondents before the next date of hearing positively.”*

Contd. to page 2

-2-

**APPEAL CASE NO.11/2018**

The matter has come up today. The respondents submit that the information has been supplied on payment of the cost of information. The appellant acknowledges its receipt to his satisfaction. The appeal is **disposed** accordingly.

**Sd/-**

**15.05.2018**  **(Yashvir Mahajan)**

**State Information Commissioner**

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Sh. Jasbir Singh,

Village Bholapur Jhabewal,

P.O. Ramgarh, Distt. Ludhiana Appellant

Versus

Public Information Officer,

O/o Chief Secretary to Govt. of Punjab,

Punjab Civil Sectt.-1, Sector-1,

Chandigarh

First Appellate Authority

O/o Chief Secretary to Govt. of Punjab,

Punjab Civil Sectt.-1, Sector-1,

Chandigarh Respondents

**APPEAL CASE NO.10/2018**

Date of RTI application : 29.09.2017

Date of First Appeal : 06.11.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 20.12.2017

**Present:** None is present on behalf of Appellant.

1. Dr. K.P.S Pashricha, APIO.
2. Sh. S.S. Rana, S.A.

**Order:**

The appellant had sought information about the Gaushalas operating in Punjab and connecting information there along. The Respondent, Dr. K.P.S. Pashricha maintains that the entire information comprising about 90 pages has been furnished to the appellant. It has been shown to the Commission. It seems in order. Commission feels that sufficient information has been provided. Appeal is **disposed.**

**Sd/-**

**15.05.2018**  **(Yashvir Mahajan)**

**State Information Commissioner**

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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

Public Information Officer,

O/o Civil Surgeon,

Patiala. Respondents

**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. Bhagwant Singh, Chief Sanitary Inspector, Sh. Harwinder Singh, Sanitary Inspector and Sh. Ravinder Kumar, Food Clerk, O/o Civil Surgeon, Patiala – for Respondents.

**ORDER**

The following interim order was passed on 09.11.2017:

The following order was passed on 15.02.2018:

*“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*

Contd…page…2

-2-

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

*dispensed in the municipal areas of the respondent authority. The respondent says that the issue in*

*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”*

The case has come up today. The respondents submit that a similar case in Appeal Case No.2065 of 2017 has already been decided by Sh. Nidharak Singh Brar, Ld. SIC. A copy of it has been shown to us. It has been taken on record. As the issue has already disposed in the Commission, it shall not be appropriate for the bench to adjudicate it again.

The appeal is **disposed** accordingly.

**Sd/-**

**15.05.2018 (Yashvir Mahajan)**

**State Information Commissioner**

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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.

**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.”*

The matter is again being taken up today. Sh. Subash Chander Bhardwaj, the respondent has filed an affidavit wherein it has been stated that they have already taken up the matter with the Police. A copy of the letter issued to the local Deputy Superintendent of Police has been attached. The Commission understands that no further action is possible at the level of the respondent as the cognizance of the forgery has only to be taken by the Police by registering the case after due investigation. A registered document can be annulled by the order of the Civil Court. As already observed, the Deputy Commissioner shall look into it and transmit his findings to the police directing it to take appropriate action. No further action at the level of Commission is warranted. The complaint is **closed.**

**Sd/-**

**15.05.2018 (Yashvir Mahajan)**

**State Information Commissioner**

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

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Sh. Ved Gupta (Journalist),

# 247, Smith Nagar, Prem Nagar,

Dehradun Appellant

Versus

Public Information Officer,

O/o Deputy Superintendent of Police,

Fatehgarh Sahib

.

First Appellate Authority

O/o Senior Supdt. of Police,

Fatehgarh Sahib. Respondents

**APPEAL CASE NO.2991/2017**

Date of RTI application : 16.08.2017

Date of First Appeal : 28.08.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :23.102017

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

ASI Ranjit Singh, In charge RTI, O/o SSP, Fatehgarh Sahib – for Respondents.

**ORDER**

On the advice of the Commission the respondents have provided the copy of the complaint filed against him by Sh. Harwinder Singh of Village Sidhupur Kallan, Fatehgarh Sahib. The Respondents have shown a copy of the same and postal receipt as a proof of having transmitted it to the appellant. As his request has been complied, no further action is called for.

**Disposed.**

**Sd/-**

**15.05.2018 (Yashvir Mahajan)**

**State Information Commissioner**

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Sh. Prabhjot Singh

S/o Sh. Charan Singh,

R/o Ward No.1, Rahoun Khanna

Tehsil Khanna, Distt. Ludhiana Complainant

Versus

Public Information Officer,

O/o Executive Officer,

Municipal Council,

Khanna. Respondent

**COMPLAINT CASE NO.1151/2017**

Date of RTI application : 07.04.2017

Date of First Appeal : Nil

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :14.10.2017

**Present:** Sh. Prabhjot Singh, Complainant in person.

Sh. Major Singh, JE & Sh. Jaswinder Singh O/o MC, Khanna – for Respondents.

**ORDER**

**“***The following interim order was passed by the Commission on 16.01.2018*:

*The Commission had passed the following order on 22.12.2017:*

*The complainant had sought information about the development works specifically laying of interlocking tiles in Ward No. 1 of the municipal area of town of Khanna. The complainant has not been able to make a specific case of the information thus sought. It shall be in the fitness of things to allow him the inspection of the record and thereafter arrange to provide him the certified copies of the documents identified by him. The respondent shall intimate him a definite date and time to get the record inspected and supply him the copies of the documents free of charge not beyond one hundred pag*es.”

“*The case has come up today. Sh. Jaswant Singh, JE appearing on behalf of the respondent says that the record identified by the complainant has been sent to him under registered* Contd…page…2

-2-

**COMPLAINT CASE NO.1151/2017**

*cover. The complainant says that it has not reached him so far. As it has been dispatched only yesterday the Commission understands that it should be in the transit and shall reach him shortly. The complainant may look through it and revert in case he so desires*.”

The case again came up today.

The Complainant has admitted that he has received the information. However, he still has the apprehension about its inadequacy. Having been asked to elaborate, he fails to point out any deficiency. The complainant is not abreast of the facts of the case. The Commission feels that he has received the sufficient information.

The complaint case accordingly is **disposed** off.

**Sd/-**

**15.05.2018 (Yashvir Mahajan)**

**State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

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Sh.Akhlak Ahmed,

S/o Sh. Tejammul Husain,

H.No.1431/10, Phase XI,

S.A.S. Nagar. Complainant

Versus

Public Information Officer,

O/o Senior Supdt. of Police,

District Administrative Complex, Sector-76,

S.A.S. Nagar. Respondent

**COMPLAINT CASE NO.148/2018 and 149/2018**

Date of RTI application : 14.09.2017

Date of First Appeal : Nil

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 30.01.2018

**Present:** Sh. Avtar Singh, on behalf of complainant

SI Amandeep Kaur, o/o Senior Supdt. of Police, S.A.S Nagar

**ORDER**

The Respondent is directed to file a written statement, before the next date of hearing.

The complainant has acknowledged the receipt of information. However on second thought they state that the same is inadequate. The respondents are directed to relook into it and supply the complete information to his satisfaction.

To come up on **19.06.2018 at 11.30 AM.**

**Sd/-**

**15.05.2018** **(Yashvir Mahajan)**

**State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

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Sh. Gurminder Singh

S/o Sh. Inderdeep Singh,

Guru Nanak Colony, H.No.B-253,

Sangrur Complainant

Versus

Public Information Officer,

O/o Addl. Chief Secretary to Govt. of Punjab,

Department of Home Affairs, Justice & Prison,

Punjab Civil Sectt.-2, Sector-9,

Chandigarh Respondent

**COMPLAINT CASE NO.157/2018**

Date of RTI application : 18.12.2018

Date of First Appeal : Nil

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :23.01.2018

**Present:** Sh. Inderdeep Singh father of Sh. Gurminder Singh, Complainant.

1. Sh. Purushotam, DGP Office, and

2. Ms. Lakhwinder Kaur, Superintendent-cum- APIO – for Respondents.

**ORDER**

We had made the following orders on 25.04.2018:

“*The issue concerns the appointment of sports persons by the Punjab Police during the year 2016. The complainant is aggrieved with his rejection.*

*The respondent says that his representation was considered and duly filed. Information to this effect has already been sent to him. The complainant adds that a Board was constituted by the office of the D.G.P. who made a report on the subject. He is looking forward to procure a copy of the findings of the Board. The respondents are advised to provide him a copy of the report thus reported to have been submitted by the aforesaid Board under intimation to the Commission immediately”.*

The Respondent has filed a written reply wherein it has been stated that no separate Board was constituted as has been maintained by the complainant. The issue was decided at the level of IGP, PAP, Jalandhar. The documents generated in his office have been supplied. The Commission further adds that the complaint has already been decided in the Commission by   
Prof. Viney Kapoor Mehra, Ld. SIC. No further intervention is called for. The complaint is **filed.**

**Sd/-**

**15.05.2018 (Yashvir Mahajan)**

**State Information Commissioner**

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Ms.Tej Kaur,

W/o Sh. Randhir Singh,

House No.29, Top Floor, SIHFW Complex,

Phase 6, S.A.S Nagar. Complainant/Appellant

Versus

Public Information Officer,

O/o Senior Medical Officer (Incharge-1),

Civil Hospital, Phase -6, S.A.S. Nagar.

First Appellate Authority

O/o Civil Surgeon,

Phase 6,S.A.S. Nagar Respondents

**COMPLAINT CASE NO.748/2017 converted into APPEAL CASE NO.748/2017**

Date of RTI application : 27.03.2017

Date of First Appeal : 09.05.2017

Date of Order of FAA : Reply 18.05.2017

Date of 2nd Appeal/complaint :27.07.2017

**Present:** Mrs. Tej Kaur, Complainant/Appellant in person along with Adv. Krishan Thakur, Counsel.

None on behalf of the Respondents.

**ORDER**

It is a long standing case. It shall be prudent to reproduce excerpts of various interim orders so as to see the things in perspective:

**Order dated 21.12.2017**

*“The respondent is absent. The appellant has sought a copy of the reports of the examination conducted on her in a medico legal case.*

*From the documents shown to us it seems that the PIO has denied the information to the complainant. However, he has failed to mention the legal provision invoked. The Commission is not inclined to accept the version of the respondent. The PIO is directed to bring along the entire record on the next date of hearing and explain under what provision of law the information which Contd….page…2*

*-2-*

***COMPLAINT/APPEAL CASE NO.748/2017***

*relates to an aggrieved person has been withheld.”*

*“The PIO is absent. He has deputed Sh. Raghunandan Kumar, Sr. Assistant who is*

*unaware of the issue in hand. Seemingly, the PIO is defiant and is not inclined to share the information. This forum cannot afford to take it lying down. A vital right of the complainant has been*

*jeopardized.*

*Things have to be brought to their logical ends to conclude the complaint. Therefore in exercise of its authority under Section 18 (3) (a) of the RTI Act, a bailable warrant in a sum of Rs.20,000/- is issued against Dr. Surinder Singh, PIO – cum - Sr. Medical Officer, Civil Hospital, Phase – VI, SAS Nagar (Mohali) with the direction to the Senior Superintendent of Police, SAS Nagar to serve it on him to appear along with entire relevant record before the Commission on* ***21.11.2017 at 11.30 AM.”***

***“****Dr. Surinder Singh, SMO is present along with record. He submits that the X-ray films are a case property of the Court and accordingly cannot be parted with. However, he has shown us the MLR recorded by the then Medical Officer, a certified copy of which has been arranged to be handed over to the complainant on spot. It further transpires that the computerized version of the same has already been supplied to the complainant. The same has been shown to the Commission. As the PIO has come present and explained his version, the bailable warrant thus issued is discharged. Since the complainant alleged that the findings in the X-ray films have not correctly been reported by the then Medical Officer, they are directed to get the X-ray films inspected by the complainant on a specified date and time duly intimated to the complainant in writing.”*

*Contd….page…3*

*-3-*

***COMPLAINT/APPEAL CASE NO.748/2017***

**Order dated 08.02.2018**

*“The upshot is that Adv. Krishan Thakur, counsel for the complainant is alleging that despite an assault on his client and having undergone a grievous injury no action has been taken by*

*the Police on the alleged incorrect assessment by the concerned Medical Officer. According to him*

*X-rays are intentionally being concealed so as to shroud the truth. The respondent has produced a copy of a communication from the concerned doctor wherein he submits that the X-rays in question have been mis-placed and a complaint to this effect has been lodged in the respective Police station on 24.01.2018 for the loss of the record. The respondent has submitted a copy of DDR which has been handed over to the complainant on spot.*

*The appellants say that the original application was filed by the complainant on 27.03.2017 with the respondent. Numerous directions were given by the Commission to part with the information. The filing of a complaint with the Police at such a stage does not clear him of his culpability to intentionally withhold the information. A final opportunity is again afforded to the concerned Dr. Karamjit Singh, Forensic Expert, Civil Hospital, Mohali an official in custody of the record who is a deemed PIO in the case to arrange to provide the information forthwith and explain his conduct by personally appearing before the Commission on the next date of hearing failing which the penal consequences shall follow.”*

The case was finally heard on 24.04.2018 when the deemed PIO Dr. Karamjit Singh, formerly Forensic Expert in Civil Hospital, Mohali, currently working as Extra Assistant Commissioner Roopnagar was present. He reiterated his position as conveyed to the Commission vide his memo dated 27.03.2018. His defence is that the room allotted to him was converted into a Contd…page…4

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**COMPLAINT/APPEAL CASE NO.748/2017**

video conferencing studio and during the shifting of records the X-ray films relating to this case and some other documents were lost. A DDR No. 19 dated 24.01.2018 was lodged in the Police Post, District Hospital, Phase – 6, Mohali. He finally requested for filing the complaint.

The complainant, on the other hand, represented by her counsel Adv. Krishan Thakur alleged malafides in withholding the information and pleaded for taking penal action against him as provided under Section 20(1) of the RTI Act.

I have given a thoughtful consideration to the pleadings made by both the Parties and perused the record available on file. It has been a sustained defence of the respondents in earlier hearings that the copies of the X-ray films could not be provided legally as they were part of a case property. When this forum overruled their contention then taking a somersault the respondents maintained that the record has been lost. To make it look plausible a DDR was lodged with the Police on 24.01.2018.

The Commission is not inclined to accept this shifting and inconsistent stance of the respondents. The appellant has been through and through alleging malafides on the part of the doctor in recording incorrect findings in a medico legal case with ulterior motives. The conduct of the respondents has been far from satisfactory. They had stonewalled the notice and interim directions of the Commission. A response could only be elicited through an issue of a bailable warrant and that too of denial of information on legal grounds. Having failed to have their way, the loss of record has been reported.

The logical corollary is that the PIO has failed to provide the information within the stipulated time malafidely. The Commission finds him guilty of violation of Sub Section 1 of Section 7

Contd..page…5

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**COMPLAINT/APPEAL CASE NO.748/2017**

of the RTI Act which renders him liable for penal consequences under Section 20(1) of the RTI Act. The matter was being considered earlier as a complaint. However, it transpires later that the complainant in fact had filed an appeal with the First Appellate Authority as well. It is a second appeal with the Commission under Section 19 of the RTI Act.

The delay is beyond hundred days. Having considered the matter in totality a penalty of Rs.10,000/- (Rupees Ten Thousand only) in lump sum is imposed upon Dr. Karamjit Singh, the then Forensic Expert, Civil Hospital, Phase – 6, Mohali now Extra Assistant Commissioner (under training), Roopnagar to be recovered from his salary in two equal installments starting from the month of June, 2018. The Deputy Commissioner, Roopnagar shall do the needful and arrange to get it deposited in the government treasury under head given below:

- 0070-Other Administrative Services

- 60 Other Services

- 800 Other Receipts

- 86 Fee under RTI Act, 2005

A copy of the challan shall be sent to the Commission for record.

The original application was filed by the appellant on 27.03.2017. Because of the abdurance and misplaced chivalry of the respondents it has taken more than one year to decide the appeal and that too without provision of information to the appellant. The appellant has been obviously put to needless harassment over a prolong period of time. The Commission, therefore, requires Public Authority to compensate the appellant with a sum of Rs.5,000/- (Rupees Five

Contd..page…6

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**COMPLAINT/APPEAL CASE NO.748/2017**

Thousand only) for the detriment suffered by her. The demand draft of Rs.5,000/- shall be delivered on the appellant by a registered post at her registered address within fifteen days of the receipt of this order by the Civil Surgeon, SAS Nagar (Mohali) being the Public Authority.

**Disposed.**

**Sd/-**

**15.05.2018 ( Yashvir Mahajan )**

**State Information Commissioner**

**CC: The Principal Secretary to Govt., Punjab, Department of Personnel, Punjab Civil Secretariat – 1, Chandigarh, for n/a.**

**CC: The Deputy Commissioner, Roopnagar for information and n/a.**

**CC: PIO – cum – Sr. Medical Officer, Civil Hospital, Phase – VI,**

**Mohali.**

**CC: Dr. Karamjit Singh,**

**Formerly Forensic Expert, Civil Hospital, Phase – VI, SAS Nagar (Mohali) now Extra Assistant Commissioner (UT), Roopnagar, for n/a.**

**CC: The Civil Surgeon, Civil Hospital, Phase – VI, SAS Nagar (Mohali) for n/a.**