

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,

Madhya Marg, Sector 16, Chandigarh.

Ph: 0172-2864111, Visit us @ www.infocommpunjab.com,

Email: psic21@punjabmail.gov.in



Dr. Manjit Singh Komal,
Ex-Principal GGN Khalsa College,
174-A, Shastri Nagar,
Ludhiana.

Versus

Public Information Officer,
o/o Commissioner of Police,
Ludhiana.

Public Information Officer,
o/o SHO, Police Station,
Salem Tabri,
Ludhiana.

First Appellate Authority
o/o Commissioner of Police,
Ludhiana.

Appeal Case No. 1127 of 2018

PRESENT:

Dr. Manjit Singh Komal (Appellant) 99145-14555

Kulwinder Singh, ASI, Office of Salem Tabri, Ludhiana (for the Respondent) 62847-57900

Avtar Singh, Head Constable, Office of C.P., Ludhiana (for the Respondent) 94179-58706

ORDER:

(To be read in continuity with earlier orders on 13.11.19)

1. The RTI application is dated **12.1.18** vide which the appellant has sought **information regarding the action taken and inspection report prepared by ASI Sukhwinder Singh etc. on his complaint emailed to the Deputy Chief Minister on 13.2.16**, as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (FAA) on **12.2.18**, and second appeal was filed in the Commission on **27.3.18** under Section 19 of the Right to Information Act, 2005. The case was last heard on **13.11.19**.
2. Both parties are present. The respondent PIO, represented by ASI, Kulwinder Singh of Police Station Salem Tabri and Head Constable Avtar Singh from the office of Commissioner of Police, Ludhiana, submitted that the officer referred to in the RTI application (ASI Sukhwinder Singh) had proceeded on EX-India leave in December and has been absent from duty even after the expiry of his leave period.
3. However, this Commission had directed the PIO to submit an Affidavit stating the claim at the last hearing on 13.11.19 that no investigation report or statement was recorded by ASI Sukhwinder Singh pertaining to appellant's email to the Deputy Chief Minister on 13.2.16 and that no such record exists in the Police Commissionerate of Ludhiana.
4. The respondent PIO from the office of the Police Commissioner Ludhiana has failed to comply with the aforesaid direction. He has instead deputed an officer from Police Station Salem Tabri (ASI Kulwinder Singh) who has merely restated the contention made at the last

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hearing – that ASI Sukhwinder Singh recorded no investigation report or statement pertaining to the appellant's email to the DyCM on 13.2.16.

5. It is however evident that the aforesaid email was referred to the Police Station Salem Tabri by the Police Commissioner's office and that all the subsequent action, including any record pertaining to it must be in the custody of the SHO-cum-PIO Police Station Salem Tabri.

6. This Commission impleads the SHO-cum-PIO Police Station Salem Tabri, **Kamaljit Singh** and directs him to appear at the next hearing of this appeal case in person and present the entire **original record** pertaining to the appellant's RTI application.

7. In the event that the aforesaid record does not exist or is not available within the records of the Police Station Salem Tabri, the SHO-cum-PIO Police Station Salem Tabri must submit an Affidavit stating this along with reasons as to why the record, requested by the appellant, is not available. Any further noncompliance with this Commission's directions will result in strict penal action as per the RTI Act, 2005.

8. **Next hearing on 14.2.2020 at 11.00 am.**

Sd/-

(ASIT JOLLY)

State Information Commissioner

Chandigarh

15.1.2020

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Jagtar Singh,

798, Sector-22,

Village Dhanoni, Near Gurudwara Shaib,

Tehsil Dera Bassi,

District SAS Nagar.

Versus

Public Information Officer,

o/o Executive Officer, Nagar Council,

Zirakpur.

First Appellate Authority

o/o Regional Deputy Director, Urban Local Bodies,

Patiala.

Appeal Case No. 2739 of 2019

PRESENT:

Jagtar Singh (Appellant) 94636-18716

Sukhinder Singh Sidhu, PIO-cum-Executive Officer (Respondent) 94639-00004

ORDER:

*(To be read in continuity with earlier orders on **29.8.19**, **27.9.19**, and **13.11.19**)*

1. The RTI application is dated **9.5.19** (erroneously stated as 21.8.19 in previous orders owing to incorrect tagging in this Commission) vide which the appellant has sought **information regarding his personal EPF and ESI etc.**, as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (FAA) on **13.6.19**, and second appeal was filed in the Commission on **29.7.19** under Section 19 of the Right to Information Act, 2005.

2. This appeal case was first heard on **29.8.19**, when the appellant Jagtar Singh was present but neither the respondent PIO-cum-Executive Officer (EO) municipal Council Zirakpur nor any other official deputed by him, appeared. The respondent was notably absent without any intimation to this Commission. However, since it was the first hearing, the respondent PIO was granted another opportunity to be heard, with a direction to furnish the requested information before the next date of hearing.

3. However, the respondent PIO, in evident disregard of this Commission's directions, again failed to appear at the second hearing of this case on **27.9.19**. The appellant was present and apprised this Bench that there had been no communication from the respondent in the interim period between the first and second hearings. The respondent PIO was issued a notice directing him to Show Cause as to why a penalty should not be imposed upon him under Section 20(1) of the RTI Act, 2005 for causing willful delay/denial of the information requested by the appellant. He was given an opportunity for a personal hearing before the imposition of such penalty and also duly informed that if he failed to file a written reply to the Show Cause notice and avail himself the opportunity of a personal hearing on the next date of hearing, it would be presumed that he has nothing to say and that the Commission would proceed to take further proceedings against him *ex parte*.

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4. At the next (third) hearing on **13.11.19**, in continuing disregard and apparent defiance of successive Notices/Orders issued by this Commission, the respondent PIO failed to show up and also thereby failed to avail himself of the opportunity granted to him before the imposition of a penalty under Section 20(1) of the RTI Act. Accordingly, this Commission imposed a penalty of Rupees Twenty-five Thousand (Rs. 25,000.00) on the respondent PIO-cum-EO Municipal Council Zirakpur, **Sukhjinder Singh Sidhu**, which was to be deducted from his salary and deposited in the Punjab Government Treasury under the head: "0070-Other Administrative Services-60-Other Services-800-Other Receipts-86-Fees Under the Right to Information Act." A copy of the order was duly marked to the Secretary Local Government at Chandigarh and the Regional Director Urban Local Bodies at Patiala.

5. Both parties are present today. The respondent PIO-cum-EO Municipal Council Zirakpur, Sukhjinder Singh Sidhu is present in person and has handed over the requested information (five pages) to the appellant Jagtar Singh.

6. Alongside the information, he has also submitted a detailed reply wherein he has made several contentions: Among these, was the fact that he did reply to the original RTI application of 9.5.19, but this was only after nearly five months, on 6.9.19 vide letter No. 2306, wherein the appellant was informed that he should seek the information from the contractor who had hired him to work as a clerk at the Municipal Council Zirakpur. The appellant has, in earlier depositions before this Commission, stated that he received no communication from the respondent PIO, including the afore mentioned letter of 6.9.19.

7. The respondent PIO has also contended in his reply to this Commission that "the appellant has not asked for the information for the larger public interest." However, a bare perusal of the RTI application reveals that the appellant, who is working in the office of the Municipal Council Zirakpur through a contractor, has merely sought details of his own ESI and EPF, which were periodically deducted from his salary. This, in this Commission's view, constitutes a valid request under the RTI Act.

8. At paragraph number 10 of his reply, the respondent PIO has also contended that he could not appear personally at earlier hearings of this appeal case since he was busy with various governmental works including an inspection of the Municipal Council Zirakpur's records by the State Vigilance Bureau and in implementing the directions of the Punjab & Haryana High Court issued in CWP No. 27436 of 2015.

9. However, in the same paragraph the respondent PIO has wrongly claimed that "APIO/Concerned Officers of the Municipal Council Zirakpur had appeared in all previous hearing of this case." A quick perusal of the case file shows that no representative/APIO/Concerned officer of the respondent PIO was present at three successive hearings on 29.8.19, 27.9.19 and 13.11.19.

10. The respondent PIO's reply also makes repeated mention of the fact that the delay noticed by this Commission was misconstrued as the RTI application was received on 9.5.19 and not 21.6.18, as erroneously stated in previous Orders of this Commission. It has now been clarified that 21.5.18 is the date of an application the appellant submitted to the EO Municipal Council Zirakpur, seeking the very information that he was later forced to demand under the RTI Act because he received no reply.

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11. At paragraph number 12 of his reply, the respondent PIO has tendered his “unconditional apologies” and regretted “the inconvenience caused to this Hon’ble Commission”. He has, earlier in paragraph eight, also apprised this Commission of the fact that he joined as the PIO-cum-EO Municipal Council Zirakpur on 14.8.19, which was some three months after the appellant’s RTI application was first received. In view of this, and that he had sent a reply to the appellant on 6.9.19, he has pleaded to be exempted from the penalty of Rs. 25,000.000 imposed upon him by this Commission vide its Order of 13.11.19.

12. In view of his plea for exemption from the penalty and the fact that the respondent PIO has finally handed over the requested information to the appellant after retrieving this from the contractor – The Bansal L&C Co-operative Society Ltd., this Bench is of the view that the matter would be best decided by a Double Bench of this Commission. Consequently, the Deputy Registrar, PSIC is requested to refer this Order to the Chief Information Commissioner for assignment to a Double Bench for a final order.

13. A copy of this Order be marked to the Deputy Registrar, PSIC.

14. **Next hearing to be notified after the CIC’s decision.**

Sd/-

(ASIT JOLLY)

State Information Commissioner

Chandigarh

15.1.2020

CC: Deputy Registrar, Punjab State Information Commission, along with case file (AC No. 2739/2019).

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Satish Bahadur Advocate,

Chamber No. 121-122, District Courts,

Fazilka.

Versus

Public Information Officer,

o/o Tehsildar, Fazilka.

First Appellate Authority

o/o Sub Divisional Magistrate,

Fazilka.

Appeal Case No. 2740 of 2019

PRESENT:

(Appellant) Absent

D.P Pandey, PIO-Cum-Tehsildar (Respondent) 94635-87400

ORDER:

*(To be read in continuity with earlier orders on **29.8.19**, **27.9.19**, and **13.11.19**)*

1. The RTI application is dated **23.7.18** vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (FAA) on **10.9.18** and second appeal was filed in the Commission on **29.7.19** under Section 19 of the Right to Information Act, 2005. The case was last heard on **13.11.19**.

2. This appeal case was first heard on **29.8.19**, when the appellant Satish Bahadur was present but neither the respondent PIO-cum-Tehsildar Fazilka nor any other official deputed by him, appeared. The respondent was notably absent without any intimation to this Commission. However, since it was the first hearing, the respondent PIO was granted another opportunity to be heard, with a direction to retrieve the requested information from the office of the Deputy Commissioner Fazilka and supply copies to the appellant before the next date of hearing.

3. However, the respondent PIO, in evident disregard of this Commission's directions, again failed to appear at the second hearing of this case on **27.9.19**. The respondent PIO was issued a notice directing him to Show Cause as to why a penalty should not be imposed upon him under Section 20(1) of the RTI Act, 2005 for causing willful delay/denial of the information requested by the appellant. He was given an opportunity for a personal hearing before the imposition of such penalty and also duly informed that if he failed to file a written reply to the Show Cause notice and avail himself the opportunity of a personal hearing on the next date of hearing, it would be presumed that he has nothing to say and that the Commission would proceed to take further proceedings against him *ex parte*.

4. At the next (third) hearing on **13.11.19**, in continuing disregard and apparent defiance of successive Notices/Orders issued by this Commission, the respondent PIO failed to show up and also thereby failed to avail himself of the opportunity granted to him before the imposition of a penalty under Section 20(1) of the RTI Act. Accordingly, this Commission imposed a penalty of Rupees Twenty-five Thousand (Rs. 25,000.00) on the respondent PIO-cum-Tehsildar

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Fazilka, which was to be deducted from his salary and deposited in the Punjab Government Treasury under the head: "0070-Other Administrative Services-60-Other Services-800-Other Receipts-86-Fees Under the Right to Information Act." A copy of the order was duly marked to the Deputy Commissioner Fazilka and the Sub-Divisional Magistrate Fazilka.

5. Both parties are present today. The respondent PIO-cum-Tehsildar Fazilka, D.P. Pandey is present in person and has submitted a reply stating that the requested information was sent to the appellant Satish Bahadur on 24.12.19. A copy of the respondent PIO's reply to the appellant, appended with the requested information, was also received in this Commission on 13.1.2020.

6. In an earlier visit to the Commission on 12.12.19, after this Bench had imposed the penalty upon him at the last hearing on 13.11.19, the respondent PIO had submitted a written explanation of the overlong delay in addressing the appellant's information requested. He also contended that he had failed to respond to the initial Notice and subsequent Orders issued by this Commission because these were simply not put up to him by his registry clerk:

"the letter issued by this Court on 29.9.19 and 13.11.19 has neither been received by me and not put up by my registry clerk. These letters were marked by the Naib Tehsildar Fazilka-cum-APIO to the registry clerk to put up but he has never put up these letters to me. I received the letter dated: 13.11.19 in the last week on 3.12.19 through my Deputy Commissioner Fazilka. Then I immediately raided the seat of my registry clerk in his presence and I found the letter and other or kept pending with him. In this regard I have also issued a Show Cause notice on 10.12.2019 which is enclosed as an annexure."

7. Based on the above enumerated circumstances and the fact that he joined as the PIO-cum-Tehsildar Fazilka only on 1.5.19 (and so did not know of the existence of the RTI application or First Appeal which were both filed in 2018), he requested that the penalty of Rs. 25,000.00 imposed upon him, be waived off. Alternatively, he requested that the penalty be transferred to the officer who received the RTI application as PIO-cum-Tehsildar on 23.7.18.

8. In view of his plea for exemption from the penalty and the fact that the respondent PIO has finally handed over the requested information to the appellant after retrieving this from the office of the DC Fazilka, this Bench is of the view that the matter would be best decided by a Double Bench of this Commission. Consequently, the Deputy Registrar, PSIC is requested to refer this Order to the Chief Information Commissioner for assignment to a Double Bench for a final order.

9. A copy of this Order be marked to the Deputy Registrar, PSIC.

10. **Next hearing to be notified after the CIC's decision.**

Sd/-

(ASIT JOLLY)

State Information Commissioner

Chandigarh

15.1.2020

CC: Deputy Registrar, Punjab State Information Commission, along with case file (AC No. 2740/2019).

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Ajitpal Singh Multani,
#408/409, Shakti Sadan,
Communication T & C Cell,
PSTCL,
Jalandhar.

Versus

Public Information Officer,
o/o Dy CE/DS,
Punjab State Power Corporation Limited,
DS Circle,
Kapurthala.

First Appellate Authority,
Chief Engineer/North Zone,
Punjab State Power Corporation Limited,
Jalandhar.

Appeal Case No. 2772 of 2019

PRESENT:

Er. Ajitpal Singh Multani (Appellant)
Maninder Pal Singh, SDO (for the Respondent) 96461-15431
Vikramjeet Singh, UDC (for the Respondent) 98156-85685

ORDER:

1. The RTI application is dated **22.5.18** vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (FAA) and second appeal was filed in the Commission on **31.7.19** under Section 19 of the Right to Information Act, 2005.
2. This case was heard and disposed of at its first hearing on 28.8.19 when the respondent was absent and the respondent PIO, Represented by Ram Lal Assistant Executive Engineer, submitted the missing part of the information pertaining to point 7 of the RTI application.
3. However, in an email dated 1..10.19, the appellant contended that the information received with respect to point 7 of his RTI application, which was ostensibly furnished by the respondent during the hearing on 28.8.19, was "incomplete and partial."
4. In view of the representation made by the appellant, revised notice was issued to the parties for hearing in the Commission on **15.1.2020**.
5. Both parties are present. The respondent PIO, represented by Maninder Pal Singh, SDO and Vikramjeet Singh, Clerk, submitted that all the information has been furnished. However, the appellant pointed out that the information with respect to point 7 of his RTI application i.e. copy

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of the Government Instructions revoking the *status quo* issued to concerned electrical connection has not been provided.

3. The respondent contended that no such document is available amid the official records held by his office. The respondent PIO-cum-Superintendent Engineer, Inderpal Singh, is directed to submit duly notarized Affidavit stating this, before the next hearing.

4. **Next hearing on 4.3.2020 at 11.00 am.**

Sd/-

(ASIT JOLLY)

State Information Commissioner

Chandigarh
15.1.2020

PUNJAB STATE INFORMATION COMMISSION

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Tejinder Singh (advocate),
Civil Court, Tehsil Complex,
Backside Sanjh Kender,
Phillaur,
District Jalandhar – 141123

Versus

Public Information Officer,
o/o Sub Divisional Magistrate,
Mansa.

First Appellate Authority,
o/o Sub Divisional Magistrate,
Mansa.

Appeal Case No. 2792 of 2019

PRESENT:

(Appellant) Absent

Kewal Kumar, PIO-Cum-Superintendent (Respondent) 98156-28269

Gurkirat Singh, Clerk (for the Respondent) 84373-00494

ORDER:

(To be read in continuity with earlier orders on 11.9.19, 9.10.19, and 22.11.19)

1. The RTI application is dated **16.5.19** vide which the appellant has sought **information regarding the RTI register, penalties imposed by the State Information Commission, TA claimed by staff for visits to the SIC in Chandigarh etc.**, as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (FAA) and second appeal was filed in the Commission on **1.8.19** under Section 19 of the Right to Information Act, 2005. The case was last heard on **22.11.19**.
2. The appellant is absent without intimation for this third successive hearing. The respondent PIO-cum-Superintendent, Kewal Kumar and Gurkirat Singh, Clerk, submitted that the information was first sent to the appellant on 14.6.19 which was within the stipulated period of 30 days from the date of receiving the RTI application.
3. The appellant had however, claimed that he has not received the information, which is why he filed a first appeal and subsequently second appeal to this Commission.
4. The respondents stated that the information was sent again on 31.12.19 by Registered Post. They have submitted a copy of the aforesaid reply sent to the appellant, to this Commission.
5. It would appear that the appellant has either not received the aforesaid reply or has for some reason chosen to keep this information from the Commission's knowledge. Furthermore, the appellant has been absenting himself from successive hearings of this appeal case and thus

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leading the Commission to the presumption that he has nothing more to say with respect to this appeal case.

6. Under the circumstances, the Commission sees no further cause for action and this appeal case is herewith **CLOSED**.

Sd/-
(ASIT JOLLY)
State Information Commissioner

Chandigarh
15.1.2020

PUNJAB STATE INFORMATION COMMISSION

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Dr. Sohan Lal Jain,

136-G, Gobind Nagar, Model Town,

Patiala.

Versus

Public Information Officer,

o/o Director,

Health & Family Welfare Department, Punjab, Chandigarh.

First Appellate Authority,

O/o Director, Health & Family Welfare Department, Punjab, Chandigarh.

Appeal Case No. 2811 of 2019

PRESENT:

Dr. Sohan Lal Jain (Appellant)

Rajinder Kumar, Senior Assistant (for the Respondent) 79739-65905

ORDER:

(To be read in continuity with earlier orders on 12.9.19, 16.10.19, and 4.12.19)

1. The RTI application is dated **22.2.19** vide which the appellant has sought **information pertaining to personal file, ACRs and other documents**, as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (FAA) on **24.4.19**, and second appeal was filed in the Commission on **2.8.19** under Section 19 of the Right to Information Act, 2005. The case was last heard on **4.12.19**.

2. Both parties are present. The Commission had at the last hearing on 4.12.19 directed the respondent PIO to arrange an inspection of the record whereby the appellant would assist the respondent in collecting the record he sought in RTI application. The directions clearly stated that the aforesaid record and duly attested photocopies be brought to this Commission at today's hearing. However, the respondent has failed to comply with this Commission's directions and instead once again made oral claims that all the requested information has been supplied to the appellant.

3. The appellant stated that he has received of information pertaining to points 4, 6, and 7 and has not been supplied the information requested at points no. 1, 2, 3, and 5 of his RTI application.

4. This Commission directs the respondent to bring the information sought at points 1, 2, 3, and 5 of the appellants RTI application to the next hearing.

5. **Next hearing on 4.3.2020 at 11.00 am.**

Sd/-

(ASIT JOLLY)

State Information Commissioner

Chandigarh

15.1.2020

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Mohammed Nazir,

s/o Rehamdin,

Village Bhaini Kamboan,

PO Khanpur,

Tehsil Malerkotla, District Sangrur.

Versus

Public Information Officer,

o/o Chief Executive Officer,

Punjab Waqf Board, SCO: 1062-63, Sector-22 B,

Chandigarh,

First Appellate Authority,

o/o Chairman,

Punjab Waqf Board, SCO: 1062-63, Sector-22 B,

Chandigarh.

Appeal Case No. 3468 of 2019

PRESENT:

Mohammed Nazir (Appellant) 94175-57799

Tayyeb Hasan Falahi, PIO-cum-Education & Development Officer (Respondent) 97810-23786

ORDER:

(To be read in continuity with earlier order on 13.11.19)

1. The RTI application is dated **10.6.19** vide which the appellant has sought **information regarding the PWB chairman's official vehicle, travel and salary etc.,** as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (FAA) on **15.7.19**, and second appeal was filed in the Commission on **19.9.19** under Section 19 of the Right to Information Act, 2005. The case was last heard on **13.11.19**.
2. Both parties are present. The appellant Mohammed Nazir has stated that he has been supplied the information he requested and is fully satisfied with it.
3. The respondent PIO-Cum-Education & Development officer, Tayyeb Hasan Falahi, had earlier submitted that the information was delayed on account of having to collect from various branches of Punjab Waqf Board.
4. This Commission sees no cause for action and this appeal case is herewith **CLOSED**.

Sd/-

(ASIT JOLLY)

State Information Commissioner

Chandigarh

15.1.2020

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REGISTERED

Baljeet Kaur,

212, Sector 124, Sunny Enclave,
Kharar, District Moahli.

Versus

Public Information Officer,

o/o Sub Divisional Magistrate,
Khamano, District Fatehgarh Sahib.

Complaint Case No. 828 of 2019

PRESENT:

Baljeet Kaur (Complainant) 99882-10063

(Respondent) Absent

ORDER:

(To be read in continuity with earlier order on 13.11.19)

1. The complainant, Baljeet Kaur, filed this RTI application dated **6.7.19** and sought **information pertaining to details of land acquired by the government and the compensation paid thereon**, from the PIO o/o Sub Divisional Magistrate, Fatehgarh Sahib. When no information was received, the Complainant filed a complaint under Section 18 of the RTI Act, 2005 to the Commission on **16.9.19**. The case was last heard on **13.11.19**.

2. The respondent PIO is absent for the second time in succession without any intimation. The Commission takes a very serious view of the respondent PIO's conduct in successively ignoring it's orders.

3. The respondent PIO is herewith ordered to **SHOW CAUSE** as to why a penalty should not be imposed upon him under Section 20(1) of RTI Act, 2005, for causing wilful delay/denial of the information requested by the complainant as far back as on **6.7.19**.

In addition to the written reply, the respondent 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 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*."

4. **Next hearing on 4.3.2020 at 11.00 am.**

Sd/-

(ASIT JOLLY)

State Information Commissioner

Chandigarh

15.1.2020

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Vinod Gupta,

88, Chandigarh Road,

Samrala Chowk, District Ludhiana – 141 008

Versus

Public Information Officer,

o/o Commissioner of Police, Ludhiana.

Complaint Case No. 832 of 2019

PRESENT:

Vinod Gupta (Complainant) 94171-52218

Purshotam Kumar, Head Constable (for the Respondent) 94171-31510

Narinder Singh, Constable (for the Respondent) 87278-00286

ORDER:

(To be read in continuity with earlier order on 13.11.19)

1. The complainant, Vinod Gupta, filed this RTI application dated **22.2.19** and sought **Information pertaining to Complaint No. 1445810 dated 16.10.18 to the Commissioner of Police at Ludhiana**, from the PIO o/o Commissioner of Police, Ludhiana . When no information was received, the Complainant filed a complaint under Section 18 of the RTI Act, 2005 to the Commission on **17.9.19**. The case was last heard on **13.11.19**.
2. Both parties are present. At the last hearing on 13.11.19 the respondent PIO, represented by Head Constable Purshotam Kumar had submitted that no RTI application pertaining to this complaint case was ever received in his office. Further to that this Commission had requested the complainant to submit a copy of his original RTI application before next hearing.
3. It has now emerged that this RTI application was submitted to the office of Commissioner of Police, Ludhiana and not to the DGP Punjab. However, the complainant has still not been able to produce a copy of the RTI application.
4. This Commission directs the complainant to furnish a copy of the original RTI application at the earliest. It is only after he submits this copy, that this complaint case can be taken-up with the office of Commissioner of Police, Ludhiana. In the event that the Complainant is unable to submit a copy of his RTI application, ostensibly submitted on 22.2.19, this Commission will have no option but to reject this appeal.
5. **Next hearing on 4.3.2020 at 11.00 am.**

Sd/-

(ASIT JOLLY)

State Information Commissioner

Chandigarh

15.1.2020

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,

Madhya Marg, Sector 16, Chandigarh.

Ph: 0172-2864111, Visit us @ www.infocommpunjab.com,

Email: psic21@punjabmail.gov.in



Gurjit Kaur, w/o Daljit Singh,
Ward No. 2, Bugga Road,
Amlah, District Fatehgarh Sahib

Versus

Public Information Officer,
o/o Executive Officer, Municipal Council Amlah,
District Fatehgarh Sahib.

Complaint Case No. 836 of 2019

PRESENT:

Gurjit Kaur (Complainant) 78889-74034

Lal Chand, Clerk (for the Respondent) 88721-65271

ORDER:

(To be read in continuity with earlier order on 13.11.19)

1. The complainant, Gurjit Kaur, filed this RTI application dated **1.8.19** and sought information from the PIO o/o Executive Officer, M.C., Fatehgarh Sahib **pertaining to her own property by way of property tax receipts etc..** When no information was received, the Complainant filed a complaint under Section 18 of the RTI Act, 2005 to the Commission on **19.9.19**. The case was last heard on **13.11.19**.
2. Both parties are present. At the last hearing, the respondent PIO was directed to be personally present with original record pertaining to the information requested in this RTI application.
4. The complainant is present and has submitted that she needs the requested information urgently, to pursue a civil litigation currently pending in the Punjab & Haryana High Court at Chandigarh.
5. The Commission directs the respondent PIO, represented at this hearing by Lal Chand, Clerk, to be personally present at the next hearing with the original record pertaining to the information requested in this RTI application. Failing this, the Commission will be constrained to initiate penal action against him under the RTI Act.
6. **Next hearing on 4.3.2020 at 11.00 am.**

Sd/-

(ASIT JOLLY)

State Information Commissioner

Chandigarh
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REGISTERED

Tarlochan Singh,
s/o Mohinder Singh,
c/o Lamba Building Material Store,
Chowk Baba Than Singh-ji,
Samrala Road,
Ludhiana.

Versus

Public Information Officer,
o/o Assistant Town Planner, Zone-A,
Municipal Corporation,
Ludhiana.

Complaint Case No. 673 of 2019

PRESENT:

Tarlochan Singh (for the Complainant) 99881-21515
(Respondent) Absent

ORDER:

*(To be read in continuity with earlier order on **4.10.19** and **22.11.19**)*

1. The complainant, **Tarlochan Singh**, filed this RTI application dated **5.9.17**, and sought **information by way of a map of Property No. 2083 B, XI Ambedkar Nagar, Ludhiana**. When no information was received, the Complainant filed a complaint under Section 18 of the RTI Act, 2005 to the Commission on **1.8.19**. The case was last heard on **22.11.19**.

2. The respondent PIO is absent without any intimation to the Commission for third time in succession. This is despite the Show Cause issued to him at the last hearing on 22.11.19. This Commission takes a very serious view of the respondent PIO's conduct in continuously ignoring it's orders.

Order: Keeping all the facts of the case in mind, this is a fit case to invoke Section 20 of RTI Act and impose a penalty on the respondent PIO. Section 20(1), which reads as under:

"Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified under sub Section (1) of Section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall impose a penalty of two hundred and fifty Rupees each day till application is received or information is furnished, so however, the total amount of such penalty shall not exceed Twenty Five Thousand Rupees;

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Provided that the Central Public Officer or the State Public Information Officer, as the case may be, shall be given a reasonable opportunity of being heard before any penalty is imposed on him;

Provided that the Central Public Information Officer or State Public Information Officer, as the case may be, shall be given a reasonable opportunity of being heard before any penalty is imposed on him:

Provided further that the burden of proving that he acted reasonably and diligently shall be on the Central Information Officer or State Public Information Officer, as the case may be."

The onus and responsibility lie on the PIO to ensure the transmission of the complete information to the appellant. The **PIO-Cum-Assistant Town Planner, Harvinder Singh Honey, Zone-A, Municipal Corporation, Ludhiana**, 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 and for repeated and willful defiance of the Punjab State Information Commission's orders.

A penalty of Rupees Five Thousand (Rs. 5,000.00) is hereby imposed upon the PIO-Cum-Assistant Town Planner, Harvinder Singh Honey, Zone-A, Municipal Corporation, Ludhiana, which be deducted from his salary in two monthly installments and deposited in the Punjab Government Treasury under head "**0070-Other Administrative Services-60-other Services-800-Other Receipts-86-Fees Under the Right to Information Act.**" The PIO-Cum-Assistant Town Planner, Harvinder Singh Honey, Zone-A, Municipal Corporation, Ludhiana is directed to duly inform the Commission of the compliance of the orders by producing a copy of the challan at the next hearing of this appeal case.

3. A copy of this order be sent to the Municipal Commissioner, Municipal Corporation, Ludhiana as well as to the Director, Local Bodies, Punjab, Chandigarh, , for information and necessary action.

4. **Next hearing on 4.3.2020 at 11.00 am.**

Sd/-

(ASIT JOLLY)

State Information Commissioner

Chandigarh

15.1.2020

CC:

1. Municipal Commissioner, Zone-D, Srabha Nagar, Ludhiana.
2. Director, Local Bodies, Plot No.3, Sector 35 A, Dakshin Marg, Punjab, Chandigarh-160035