

PUNJAB, STATE INFORMATION COMMISSION
Sector-16, Madhya Marg, Near Rose Garden, Chandigarh
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E-mail-Psicsic30@punjabmail.gov.in

Sh.Manjit Singh, S/o Sh.Khushal Singh,
R/o village Shamsahbad,
Tehsil & Distt.Fazilka. .

... Complainant

Versus

Public Information Officer,
O/o ADC, (D),
Fazilka.

...Respondent

Complaint Case No. 543 of 2018

Present: **None for the Complainant**
 Ms.Paramjit Kaur, PIO/DC Fazilka,
 Sh.Karan Kataria, PIO/ADC(D), Fazilka and
 Ms.Manjit Kaur, O/o BDPO Fazilka for the respondent

ORDER:

The case was first heard on 20.08.2018. The respondent was not absent. It was observed that the RTI which was transferred on 22.02.2018 is beyond time limit for transfer of RTI to the appropriate authority. It was further noted that the appropriate authority ADC (D) had not provided the information till date.

APIO, O/o DC Fazilka was directed to explain the reasons for delay in transferring the RTI and the PIO-ADC (Development) was directed to explain the reasons for delay in providing the information."

The case was last heard on **17.09.2018**: Sh.Krishan Kumar, Jr Assistant from the office of DC Fazilka was present. The order is reproduced hereunder:

"The respondent from the office of DC, Fazilka has pleaded that they have already transferred the RTI application to the PIO ADC (D) on 22.02.2018. Regarding reasons for delay in transferring the RTI application, the respondent present has brought a letter from the PIO, DC whereby the PIO has explained the entire circumstances into the delay in handling the RTI application. The PIO has mentioned that the delay has happened at the level of the Clerk Ms.SandeepKaur who now stands transferred to the office of DC, Faridkot. Ms.SandeepKaur, Clerk O/o DC, Faridkot is directed to be present on the next date of hearing and explain the reasons for not transferring the RTI application within the time prescribed under the RTI Act.

In the last hearing, the PIO, ADC(D) was directed to explain the reasons for delay in providing the information. The Commission has received an email from the O/o ADC which is taken on the file of the Commission. It is observed that the PIO ADC(D) has transferred the RTI application further to the BDPO, Fazilka to attend to this RTI application. In the letter submitted to the Commission, it is also observed that the application was transferred on 26.07.2018 i.e. 4 months after it was transferred from the DC office to the ADC(D) office. It appears that a mockery has been made of the RTI Act, and a musical chair being played with this particular application. The Commission has taken a serious view of this scant regard of the RTI Act and directs the PIO- DC Fazilka, PIO- ADC(D), Fazilka, PIO-BDPO Fazilka and Ms.SandeepKaur, Clerk O/o DC, Faridkot to appear personally on the next date of hearing through video conference facility available in the office of the Deputy Commissioner, Fazilka. and explain the reasons for such delay."

Hearing dated 15.10.2018:

The case has come up for hearing today through video conference facility available in the office of the Deputy Commissioner, Fazilka. The complainant Sh.Manjit Singh is absent without intimation to the Commission.

In the last hearing, the Commission has taken a serious note on the delay in attending to the RTI application and the PIO- DC Fazilka, PIO- ADC(D), Fazilka, PIO-BDPO Fazilka and Ms.SandeepKaur, Clerk O/o DC, Faridkot were directed to appear personally on the next date of hearing and explain the reasons for such delay. Ms.Sandeep Kaur, Clerk from the office of DC Faridkot is absent and vide letter received in the Commission on 03.10.2018, she has sought adjournment due to her marriage.

The PIO present from the office of DC Fazilka pleaded that they received the RTI application on 12.02.2018 which was transferred to the PIO, ADC(D) on 22.02.2018. The PIO present from the office of ADC(D) pleaded that the information relates to the office of BDPO Fazilka and they have already transferred the RTI application to them on 27.02.2018. The PIO present from the office of BDPO pleaded that the information was sent to the appellant on 24.04.2018.

The PIO- DC Fazilka, PIO- ADC(D), Fazilka and the PIO-BDPO Fazilka are hereby directed to submit detailed report on the delay in attending the RTI application within the time prescribed under RTI Act and the compliance be sent to the Commission on the affidavit within 15 days.

The complainant is also directed to be present on the next date of hearing otherwise the case will be decided ex-parte.

To come up on **03.12.2018 at 11.00 AM** for further proceedings to be heard through video conference facility available in the office of the Deputy Commissioner, Fazilka. Copies of the order be sent to the parties **through registered post.**"

Chandigarh
Dated: 15.10.2018

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to:

1. Ms.Sandeep Kaur, Clerk O/o DC, Faridkot
2. The PIO, BDPO Fazilka
3. PIO, DC Fazilka

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Sh.Nirmal Singh S/o Gian Singh,
VPO BhochhiRajputtan,
Tehsil Baba Bakala,
District Amritsar.

... Appellant

Versus

Public Information Officer,
SSP (Rural) Amritsar.

First Appellate Authority,
Inspector General of Police,
Border Range, Amritsar.

...Respondent

Appeal Case No. 1251 of 2018

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

ORDER:

The case was first heard on **12.06.2018**. The Appellant was directed to tally the information provided by the respondent with his RTI application and inform the discrepancies if any and the PIO is was also directed to send the remaining information to the appellant by registered post and come with proof of sending the information with dispatch receipt.

The case was again heard on **23.07.2018**. The PIO was absent. The Commission received a letter diary No.13324 dated 02.07.2018 from the PIO mentioning that in compliance with orders of the Commission, the information has been sent to the appellant through post registry No.746597195. The appellant was present and he informed that there is some discrepancy regarding point No.7 i.e. statement of the alleged accused in FIR has not been provided. The PIO was directed to settle this discrepancy under the provisions of RTI Act.

The case was last heard on **28.08.2018: The order is reproduced hereunder:**

"The appellant has informed that despite orders of the Commission, the information has not been provided to him. The respondent present has pleaded that they will settle the discrepancy within 5 days. The PIO is again directed to settle the discrepancy regarding point No.7 of RTI i.e. the copy of record and/or statements of accused and/or witnesses recorded during the course of investigation, based on which the report and findings were drawn by the investigation officer within 5 days."

Hearing dated 15.10.2018:

The case has come up for hearing **today** through video conference facility available in the office of the Deputy Commissioner, Amritsar. Both the parties are absent without intimation to the Commission. In the interest of justice, the case is adjourned. The PIO is directed to send compliance report of the previous orders of the Commission.

To come up on **03.12.2018 at 11.00 AM** for further proceedings to be heard through video conference facility available in the office of the Deputy Commissioner, Amritsar. Copies of the order be sent to the parties **through registered post.**

Chandigarh
Dated: 15.10.2018

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh.Mukhtiar Singh, S/o Sh.Resham Singh,
R/o # 390, Basti Kamre Wala, Opposite Thana Sadar,
Madan Colony, Jalalabad.

... Complainant

Versus

Public Information Officer,
SDO, (Urban),
PSPCL, Jalalabad, Distt.Fazilka

...Respondent

Complaint Case No. 701 of 2018

Present: None for the Complainant
 None for the Respondent

ORDER:

The case was last heard on **05.09.2018**. Both the parties were absent and the case was adjourned.

The case has come up for hearing **today**. The appellant is absent on second consecutive hearing. It seems that the appellant is not interested to seek the information. The case is disposed **off and closed**.

The Commission observes that the respondent is also absent on two consecutive hearings. The Commission recommends that an enquiry be conducted and disciplinary action may be taken by the concerned higher authorities against the PIO for not appearing before the Commission and the compliance be sent to the Commission.

Chandigarh
Dated: 15.10.2018.

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh.Mukhtiar Singh, S/o Sh.Resham Singh,
R/o # 390, Basti Kamre Wala, Opposite Thana Sadar,
Madan Colony,Jalalabad.

... Complainant

Versus

Public Information Officer,
SDO, (Urban),
PSPCL,Jalalabad Fazilka

...Respondent

Complaint Case No. 702 of 2018

Present: None for the Complainant
 None for the Respondent

ORDER:

The case was last heard on **05.09.2018**. Both the parties were absent and the case was adjourned.

The case has come up for hearing **today**. The appellant is absent on second consecutive hearing. It seems that the appellant is not interested to seek the information. The case is disposed **off and closed**.

The Commission observes that the respondent is also absent on two consecutive hearings. The Commission recommends that an enquiry be conducted and disciplinary action may be taken by the concerned higher authorities against the PIO for not appearing before the Commission and the compliance be sent to the Commission.

Chandigarh
Dated: 15.10.2018.

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh.Pawan Kumar Sharma,
S/o Lt. Sh.Bhagwant Kishore,
H NO-585, Phase-2, Mohali.

... Complainant

Versus

Public Information Officer,
Chairman, PSPCL,
Head office, Patiala

...Respondent

Complaint Case No. 729 of 2018

Present: Sh.Pawan Kumar Sharma as Complainant
Sh.Roshan Lal, Under Secretary O/o PSPCL Patiala for the Respondent

ORDER: The case was last heard on 06.09.2018. The order is reproduced hereunder:

"The complainant through RTI application dated 17.05.2018 has sought information regarding system, procedure and details of authority finalizing and allowing the PSPCL offices to make local purchases from 01.10.2017 till date and other information concerning the office of PSPCL Patiala. The complainant was not provided the information after which he filed complaint with the Commission on 05.07.2018.

The respondent present has pleaded that the information has been sent to the complainant on 11.06.2018. The appellant has filed RTI application for information on 17.05.2018 which was sent to him on 11.06.2018 within the right time. However, the appellant is not satisfied and he preferred to file complaint and has not gone to First Appeal. The respondent has pleaded that the information sought by the complainant is ambiguous especially point No.1 since they cannot understand whether the complainant is seeking information of specific office or entire Board.

Since the complainant has sought adjournment, the discrepancy if any, in the information, cannot be discussed, the case is adjourned. The complainant is asked to be present himself or through representative on the next date of hearing, otherwise the case will be decided ex-parte."

Hearing dated 15.10.2018:

The case has come up for hearing today. The complainant is present. The complainant pleaded that it is a case of corruption and he has not been provided the complete information.

The respondent present reiterated his earlier plea that they cannot understand whether the complainant is seeking information of specific office or entire Board.

The Commission observes that the PIO has handled the RTI application within the time frame and the only discrepancy is about the correctness of the information. The Commission finds that no further course of action is required in this particular case and directs the complainant to go to the first appeal if he is not satisfied with the information provided.

The case is **disposed off and closed**.

Chandigarh
Dated: 15.10.2018.

Sd/-
(Khushwant Singh)
State Information Commissioner

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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: None for the Appellant
None for the Respondent

ORDER: The case was last heard on **21.08.2018**. The order is reproduced hereunder:

“The appellant through RTI Application dated 17.11.2017 has sought information regarding maps approved for commercial and residential buildings by the MC Tarn Taran from the year 2015 to 16.11.2017 and other information concerning the office of MC Tarn Taran. The appellant was not provided the information after which he filed first appeal before the First Appellate Authority on 07.01.2018 which took no decision on the appeal.

The respondent present has 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 pleaded that vide email dated 27.12.2017, 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 is 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.”

Hearing dated 15.10.2018:

The appellant is absent. Vide email, he has sought adjournment due to a medical problem of his mother. The appellant has 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 is absent without intimation to the Commission. The PIO is 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 is adjourned. Both the parties to be present on **21.11.2018 at 11.00 AM** for further hearing.

Chandigarh
Dated: 15.10.2018

Sd/-
(Khushwant Singh)
State Information Commissioner

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ShTejinder 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: None for the Appellant
None for the Respondent

ORDER: The case was last heard on 21.08.2018. The order is reproduced hereunder:

“The appellant through RTI application dated 22.11.2017 has sought information regarding driving licenses issued from August 2017 to November 22, 2017 and other information concerning the office of SDM, Licensing & Registration Authority, Kapurthala. The appellant was not provided the information after which he filed first appeal before the First Appellate Authority on 06.01.218 which took no decision on the appeal.

The respondent present has 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 is 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.”

Hearing dated 15.10.2018:

The appellant is absent. Vide email, he has sought adjournment due to medical problem of his mother. The appellant has further informed that the information has not been provided to him by the PIO.

The respondent is also absent. Vide letter received in the Commission on 12.10.2018, the PIO has sought adjournment. In the letter, the PIO has 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 case is adjourned. The PIO is directed to comply with the earlier orders of the Commission which still stands and be present on the next date of hearing.

Both the parties to be present on **21.11.2018 at 11.00 AM** for further hearing.

Chandigarh
Dated: 15.10.2018

Sd/-
(Khushwant Singh)
State Information Commissioner